



January 30, 2015

SENATE BILL No. 324

DIGEST OF SB 324 (Updated January 28, 2015 11:24 am - DI 106)

Citations Affected: IC 31-9; IC 31-14; IC 31-16; IC 31-18; IC 31-18.5; IC 31-19; IC 31-25; IC 31-28; IC 31-30; IC 31-40; IC 34-30; IC 34-46.

Synopsis: Various child support matters. Makes various changes to family and juvenile law concerning the following: (1) Parties entitled to file a paternity action. (2) Petitions for child support. (3) Petitions for adoption. (4) Adoption decrees. (5) Duties of the child support bureau. (6) Costs of services for children and payments of child support. Repeals the Uniform Interstate Family Support Act currently in effect and replaces it with an updated version of the act.

Effective: July 1, 2015.

Head, Brown L, Delph, Randolph

January 8, 2015, read first time and referred to Committee on Judiciary.
January 29, 2015, amended, reported favorably — Do Pass.

SB 324—LS 6962/DI 110



January 30, 2015

First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 324

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 31-9-1-2, AS AMENDED BY P.L.138-2007,
2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 2. Except as otherwise provided, the definitions
4 in this article do not apply to the following:

- 5 (1) IC 31-11-3.
- 6 (2) IC 31-21 (or IC 31-17-3 before its repeal).
- 7 ~~(3) IC 31-18.~~
- 8 **(3) IC 31-18.5.**
- 9 (4) IC 31-19-29.
- 10 (5) IC 31-37-23.

11 SECTION 2. IC 31-9-2-9.4 IS ADDED TO THE INDIANA CODE
12 AS **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
13 1, 2015]: **Sec. 9.4. "Application", for purposes of the Uniform**
14 **Interstate Family Support Act under IC 31-18.5, has the meaning**
15 **set forth in IC 31-18.5-7-1.**

16 SECTION 3. IC 31-9-2-12.5 IS ADDED TO THE INDIANA CODE

SB 324—LS 6962/DI 110



AS NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 12.5. "Central authority", for purposes of the Uniform Interstate Family Support Act under IC 31-18.5, has the meaning set forth in IC 31-18.5-7-1.**

SECTION 4. IC 31-9-2-13, AS AMENDED BY P.L.48-2012, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 13. (a) "Child", for purposes of IC 31-15, IC 31-16 (excluding IC 31-16-12.5), and IC 31-17, means a child or children of both parties to the marriage. The term includes the following:

(1) Children born out of wedlock to the parties.

(2) Children born or adopted during the marriage of the parties.

(b) "Child", for purposes of the Uniform Interstate Family Support Act under ~~IC 31-18~~, **IC 31-18.5**, has the meaning set forth in ~~IC 31-18-1-2~~. **IC 31-18.5-1-2.**

(c) "Child", for purposes of IC 31-19-5, includes an unborn child.

(d) Except as otherwise provided in this section, "child", for purposes of the juvenile law and IC 31-27, means:

(1) a person who is less than eighteen (18) years of age;

(2) a person:

(A) who is eighteen (18), nineteen (19), or twenty (20) years of age; and

(B) who either:

(i) is charged with a delinquent act committed before the person's eighteenth birthday; or

(ii) has been adjudicated a child in need of services before the person's eighteenth birthday; or

(3) a person:

(A) who is alleged to have committed an act that would have been murder if committed by an adult;

(B) who was less than eighteen (18) years of age at the time of the alleged act; and

(C) who is less than twenty-one (21) years of age.

(e) "Child", for purposes of IC 31-36-3, means a person who is less than eighteen (18) years of age.

(f) "Child", for purposes of the Interstate Compact on Juveniles under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.

(g) "Child", for purposes of IC 31-16-12.5, means an individual to whom child support is owed under:

(1) a child support order issued under IC 31-14-10 or IC 31-16-6; or

(2) any other child support order that is enforceable under IC 31-16-12.5.



(h) "Child", for purposes of IC 31-32-5, means an individual who is less than eighteen (18) years of age.

(i) "Child", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-3.

SECTION 5. IC 31-9-2-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 19. "Child support order", for purposes of the Uniform Interstate Family Support Act under ~~IC 31-18~~, **IC 31-18.5**, has the meaning set forth in ~~IC 31-18-1-3~~. **IC 31-18.5-1-2.**

SECTION 6. IC 31-9-2-24.2 IS ADDED TO THE INDIANA CODE AS NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 24.2. "Convention", for purposes of the Uniform Interstate Family Support Act under IC 31-18.5, has the meaning set forth in IC 31-18.5-1-2.**

SECTION 7. IC 31-9-2-24.3 IS ADDED TO THE INDIANA CODE AS NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 24.3. "Convention support order", for purposes of the Uniform Interstate Family Support Act under IC 31-18.5, has the meaning set forth in IC 31-18.5-7-1.**

SECTION 8. IC 31-9-2-40.5 IS ADDED TO THE INDIANA CODE AS NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 40.5. "Direct request", for purposes of the Uniform Interstate Family Support Act under IC 31-18.5, has the meaning set forth in IC 31-18.5-7-1.**

SECTION 9. IC 31-9-2-43 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 43. "Duty of support", for purposes of the Uniform Interstate Family Support Act under ~~IC 31-18~~, **IC 31-18.5**, has the meaning set forth in ~~IC 31-18-1-4~~. **IC 31-18.5-1-2.**

SECTION 10. IC 31-9-2-46.1 IS ADDED IS TO THE INDIANA CODE AS NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 46.1. "Foreign central authority", for purposes of the Uniform Interstate Family Support Act under IC 31-18.5, has the meaning set forth in IC 31-18.5-7-1.**

SECTION 11. IC 31-9-2-46.2 IS ADDED TO THE INDIANA CODE AS NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 46.2. "Foreign country", for purposes of the Uniform Interstate Family Support Act under IC 31-18.5, has the meaning set forth in IC 31-18.5-1-2.**

SECTION 12. IC 31-9-2-46.3 IS ADDED TO THE INDIANA CODE AS NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 46.3. "Foreign support agreement", for**



purposes of the Uniform Interstate Family Support Act under IC 31-18.5, has the meaning set forth in IC 31-18.5-7-1.

SECTION 13. IC 31-9-2-46.4 IS ADDED TO THE INDIANA CODE AS NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 46.4. "Foreign support order", for purposes of the Uniform Interstate Family Support Act under IC 31-18.5, has the meaning set forth in IC 31-18.5-1-2.

SECTION 14. IC 31-9-2-46.6 IS ADDED TO THE INDIANA CODE AS NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 46.6. "Foreign tribunal", for purposes of the Uniform Interstate Family Support Act under IC 31-18.5, has the meaning set forth in IC 31-18.5-1-2.

SECTION 15. IC 31-9-2-48 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 48. "Governor", for purposes of ~~IC 31-18-8~~ IC 31-18.5-8, in the Uniform Interstate Family Support Act, has the meaning set forth in ~~IC 31-18-8-1(a)~~ IC 31-18.5-8-1.

SECTION 16. IC 31-9-2-53, AS AMENDED BY P.L.138-2007, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 53. (a) "Home state", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-8.

(b) "Home state", for purposes of the Uniform Interstate Family Support Act under ~~IC 31-18~~ IC 31-18.5, has the meaning set forth in ~~IC 31-18-1-5~~ IC 31-18.5-1-2.

SECTION 17. IC 31-9-2-56 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 56. (a) "Income", for purposes of IC 31-16-15 and IC 31-16-16, and the Uniform Interstate Family Support Act under ~~IC 31-18~~, has the meaning set forth in ~~IC 31-18-1-6~~ means anything of value owed to an obligor.

(b) "Income", for purposes of the Uniform Interstate Family Support Act under IC 31-18.5, means earnings or other periodic entitlements to money from any source, and any other property subject to withholding for support under Indiana law (as defined in IC 31-18.5-1-2).

SECTION 18. IC 31-9-2-57 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 57. (a) "Income payor", for purposes of IC 31-16-15 and IC 31-16-16, and the Uniform Interstate Family Support Act under ~~IC 31-18~~, has the meaning set forth in ~~IC 31-18-1-7~~ means an employer or other person who owes income to an obligor (as defined in IC 31-9-2-86(a)).

(b) "Income payor", for purposes of the Uniform Interstate



1 **Family Support Act under IC 31-18.5, means an employer or other**
 2 **person who owes income to an obligor (as defined in**
 3 **IC 31-18.5-1-2).**

4 SECTION 19. IC 31-9-2-58 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 58. (a) "Income
 6 withholding order", for purposes of the Uniform Interstate Family
 7 Support Act under ~~IC 31-18~~, has the meaning set forth in ~~IC 31-18-1-8~~.
 8 **IC 31-16-15 and IC 31-16-16, means an order or other legal**
 9 **process directed to an obligor's income payor to withhold:**

10 (1) support; and

11 (2) support fees and maintenance fees as described in
 12 **IC 33-37-5-6;**

13 **from the income of the obligor.**

14 (b) "Income withholding order", for purposes of the Uniform
 15 Interstate Family Support Act under IC 31-18.5, has the meaning
 16 set forth in IC 31-18.5-1-2.

17 SECTION 20. IC 31-9-2-60 IS REPEALED [EFFECTIVE JULY 1,
 18 2015]. Sec. 60: "Initiating state", for purposes of the Uniform Interstate
 19 Family Support Act under ~~IC 31-18~~, has the meaning set forth in ~~IC 31-18-1-9~~.

20
 21 SECTION 21. IC 31-9-2-61 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 61. "Initiating tribunal",
 23 for purposes of the Uniform Interstate Family Support Act under
 24 ~~IC 31-18~~, **IC 31-18.5**, has the meaning set forth in ~~IC 31-18-1-10~~.
 25 **IC 31-18.5-1-2.**

26 SECTION 22. IC 31-9-2-64.7 IS ADDED TO THE INDIANA
 27 CODE AS NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2015]: Sec. 64.7. "Issuing foreign country", for purposes
 29 of the Uniform Interstate Family Support Act under IC 31-18.5,
 30 has the meaning set forth in IC 31-18.5-1-2.

31 SECTION 23. IC 31-9-2-65, AS AMENDED BY P.L.138-2007,
 32 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2015]: Sec. 65. (a) "Issuing state", for purposes of the
 34 Uniform Interstate Family Support Act under ~~IC 31-18~~, **IC 31-18.5**, has
 35 the meaning set forth in ~~IC 31-18-1-11~~. **IC 31-18.5-1-2.**

36 (b) "Issuing state", for purposes of the Uniform Child Custody
 37 Jurisdiction Act under IC 31-21, has the meaning set forth in
 38 IC 31-21-2-11.

39 SECTION 24. IC 31-9-2-66 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 66. "Issuing tribunal",
 41 for purposes of the Uniform Interstate Family Support Act under
 42 ~~IC 31-18~~, **IC 31-18.5**, has the meaning set forth in ~~IC 31-18-1-12~~.



IC 31-18.5-1-2.

SECTION 25. IC 31-9-2-73 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 73. "Law", for purposes of the Uniform Interstate Family Support Act under ~~IC 31-18~~, **IC 31-18.5**, has the meaning set forth in ~~IC 31-18-1-13~~. **IC 31-18.5-1-2.**

SECTION 26. IC 31-9-2-85, AS AMENDED BY P.L.103-2007, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 85. (a) "Obligee", for purposes of IC 31-16-15 and IC 31-16-16, means a person who is entitled to receive a payment under a support order.

(b) "Obligee", or ~~"petitioner"~~, for purposes of the Uniform Interstate Family Support Act under ~~IC 31-18~~, **IC 31-18.5**, has the meaning set forth in ~~IC 31-18-1-14~~. **IC 31-18.5-1-2.**

SECTION 27. IC 31-9-2-86, AS AMENDED BY P.L.145-2006, SECTION 203, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 86. (a) "Obligor", for purposes of IC 31-16-15 and IC 31-16-16, means an individual who has been ordered by a court to pay child support.

(b) "Obligor", or ~~"respondent"~~, for purposes of the Uniform Interstate Family Support Act under ~~IC 31-18~~, **IC 31-18.5**, has the meaning set forth in ~~IC 31-18-1-15~~. **IC 31-18.5-1-2.**

(c) "Obligor", for purposes of IC 31-25-4, has the meaning set forth in IC 31-25-4-4.

SECTION 28. IC 31-9-2-87.5 IS ADDED TO THE INDIANA CODE AS **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 87.5. **"Outside this state", for purposes of the Uniform Interstate Family Support Act under IC 31-18.5, has the meaning set forth in IC 31-18.5-1-2.**

SECTION 29. IC 31-9-2-89, AS AMENDED BY P.L.191-2011, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 89. (a) "Person", for purposes of IC 31-19-19, IC 31-19-22, IC 31-19-25, and the juvenile law, means:

- (1) a human being;
- (2) a corporation;
- (3) a limited liability company;
- (4) a partnership;
- (5) an unincorporated association; or
- (6) a governmental entity.

(b) "Person", for purposes of section 44.5 of this chapter, means an adult or a minor.

(c) "Person", for purposes of IC 31-27, means an individual who is



at least twenty-one (21) years of age, a corporation, a partnership, a voluntary association, or other entity.

(d) "Person", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-13.

(e) "Person", for purposes of the Uniform Interstate Family Support Act under IC 31-18.5, has the meaning set forth in IC 31-18.5-1-2.

SECTION 30. IC 31-9-2-91, AS AMENDED BY P.L.138-2007, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 91. (a) ~~"Petitioner" or "obligee", for purposes of the Uniform Interstate Family Support Act under IC 31-18; has the meaning set forth in IC 31-18-1-14.~~

~~(b)~~ "Petitioner", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-15.

SECTION 31. IC 31-9-2-102.7, AS ADDED BY P.L.138-2007, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 102.7. **(a) "Record", for purposes of the Uniform Interstate Family Support Act under IC 31-18.5, has the meaning set forth in IC 31-18.5-1-2.**

(b) "Record", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-17.

SECTION 32. IC 31-9-2-104 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 104. "Register", for purposes of the Uniform Interstate Family Support Act under ~~IC 31-18;~~ **IC 31-18.5**, has the meaning set forth in ~~IC 31-18-1-16;~~ **IC 31-18.5-1-2.**

SECTION 33. IC 31-9-2-105 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 105. "Registering tribunal", for purposes of the Uniform Interstate Family Support Act under ~~IC 31-18;~~ **IC 31-18.5**, has the meaning set forth in ~~IC 31-18-1-17;~~ **IC 31-18.5-1-2.**

SECTION 34. IC 31-9-2-110, AS AMENDED BY P.L.138-2007, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 110. (a) ~~"Respondent" or "obligor", for purposes of the Uniform Interstate Family Support Act under IC 31-18; has the meaning set forth in IC 31-18-1-15.~~

~~(b)~~ "Respondent", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-18.



SECTION 35. IC 31-9-2-111 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 111. "Responding state", for purposes of the Uniform Interstate Family Support Act under ~~IC 31-18~~, **IC 31-18.5**, has the meaning set forth in ~~IC 31-18-1-18~~. **IC 31-18.5-1-2.**

SECTION 36. IC 31-9-2-112 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 112. "Responding tribunal", for purposes of the Uniform Interstate Family Support Act under ~~IC 31-18~~, **IC 31-18.5**, has the meaning set forth in ~~IC 31-18-1-19~~. **IC 31-18.5-1-2.**

SECTION 37. IC 31-9-2-118 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 118. "Spousal support order", for purposes of the Uniform Interstate Family Support Act under ~~IC 31-18~~, **IC 31-18.5**, has the meaning set forth in ~~IC 31-18-1-20~~. **IC 31-18.5-1-2.**

SECTION 38. IC 31-9-2-119, AS AMENDED BY P.L.138-2007, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 119. (a) "State", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-19.

(b) "State", for purposes of the Uniform Interstate Family Support Act under ~~IC 31-18~~, **IC 31-18.5**, has the meaning set forth in ~~IC 31-18-1-21~~. **IC 31-18.5-1-2.**

(c) "State", for purposes of the Interstate Compact on Adoption Assistance under IC 31-19-29, has the meaning set forth in IC 31-19-29-2.

(d) "State", for purposes of the Interstate Compact on Juveniles under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.

SECTION 39. IC 31-9-2-124 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 124. "Support enforcement agency", for purposes of the Uniform Interstate Family Support Act under ~~IC 31-18~~, **IC 31-18.5**, has the meaning set forth in ~~IC 31-18-1-23~~. **IC 31-18.5-1-2.**

SECTION 40. IC 31-9-2-125, AS AMENDED BY P.L.103-2007, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 125. (a) "Support order", for purposes of IC 31-16-15 and IC 31-16-16, means any judgment, decree, or order of child support, including medical support, issued by a court, in Indiana or another state, that has jurisdiction over the support order. The term includes orders issued under IC 31-14 through IC 31-17.

(b) "Support order", for purposes of the Uniform Interstate Family Support Act under ~~IC 31-18~~, **IC 31-18.5**, has the meaning set forth in



~~IC 31-18-1-24.~~ **IC 31-18.5-1-2.**

SECTION 41. IC 31-9-2-130, AS AMENDED BY P.L.145-2006, SECTION 217, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 130. "Title IV-D agency" means:

(1) the bureau of child support established in the department of child services established by IC 31-25-3-1; or

(2) a designated agent of the department described in ~~subdivision~~

~~(+).~~ **IC 31-25-4-13.1.**

SECTION 42. IC 31-9-2-131 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 131. "Tribunal", for purposes of the Uniform Interstate Family Support Act under ~~IC 31-18,~~ **IC 31-18.5**, has the meaning set forth in ~~IC 31-18-1-25.~~ **IC 31-18.5-1-2.**

SECTION 43. IC 31-9-2-131.5 IS ADDED TO THE INDIANA CODE AS NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 131.5. "United States central authority", for purposes of the Uniform Interstate Family Support Act under IC 31-18.5, has the meaning set forth in IC 31-18.5-7-1.**

SECTION 44. IC 31-14-4-1, AS AMENDED BY P.L.145-2006, SECTION 220, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. A paternity action may be filed by the following persons:

(1) The mother or expectant mother.

(2) A man alleging that:

(A) he is the child's biological father; or

(B) he is the expectant father of an unborn child.

(3) The mother and a man alleging that he is her child's biological father, filing jointly.

(4) The expectant mother and a man alleging that he is the biological father of her unborn child, filing jointly.

(5) A child.

(6) **If paternity of a child has not been established**, the department ~~or a county office of family and children under section 3 of this chapter.~~ **in a child in need of services proceeding.**

~~(7) The~~ **If the paternity of a child has not been established:**

(A) the department; or

(B) a prosecuting attorney under section 2 of this chapter. operating under an agreement or contract with the department described in IC 31-25-4-13.1.

SECTION 45. IC 31-14-4-2 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 2: (a) Upon the request of:~~

~~(1) the child;~~



- (2) the mother or expectant mother;
- (3) a man alleging to be the father or expectant father;
- (4) the department; or
- (5) the county office of family and children;

the prosecuting attorney shall file a paternity action and represent the child in that action.

(b) A prosecuting attorney's office may file a paternity action if the child is:

- (1) or is alleged to be, a child in need of services; and
- (2) under the supervision of the department or the county office of family and children as the result of a court ordered out-of-home placement.

SECTION 46. IC 31-14-4-3, AS AMENDED BY P.L.145-2006, SECTION 222, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. The department or a county office of family and children **a prosecuting attorney operating under an agreement or contract described in IC 31-35-4-13.1**, may file a paternity action if:

- (1) the mother;
- (2) the person with whom the child resides; or
- (3) the director of the county office of family and children; **department;**

has executed an assignment of support rights under Title IV-D of the federal Social Security Act (42 U.S.C. 651 through 669).

SECTION 47. IC 31-14-5-3, AS AMENDED BY P.L.145-2006, SECTION 223, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) This section does not apply to an action filed by the department or its agents under section 4 of this chapter (or IC 31-6-6.1-6(c) before its repeal).

(b) The mother, a man alleging to be the child's father, or the department or its agents must file a paternity action not later than two (2) years after the child is born, unless:

- (1) both the mother and the alleged father waive the limitation on actions and file jointly;
- (2) support has been furnished by the alleged father or by a person acting on his behalf, either voluntarily or under an agreement with:
 - (A) the mother;
 - (B) a person acting on the mother's behalf; or
 - (C) a person acting on the child's behalf;
- (3) the mother, the department, or ~~the county office of family and children~~ **a prosecuting attorney operating under an agreement**



1 **or contract described in IC 31-35-4-13.1** files a petition after
 2 the alleged father has acknowledged in writing that he is the
 3 child's biological father;

4 (4) the alleged father files a petition after the mother has
 5 acknowledged in writing that he is the child's biological father;

6 (5) the petitioner was incompetent at the time the child was born;
 7 or

8 (6) a responding party cannot be served with summons during the
 9 two (2) year period.

10 (c) If any of the conditions described in subsection (b) exist, the
 11 paternity petition must be filed not later than two (2) years after the
 12 condition described in subsection (b) ceases to exist.

13 SECTION 48. IC 31-16-2-4 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. A petition for child
 15 support:

16 (1) must be verified; and

17 (2) must set forth the following:

18 (A) The relationship of the parties.

19 (B) The present residence of each party.

20 (C) The names and addresses of:

21 (i) each living child less than ~~twenty-one (21)~~ **nineteen (19)**
 22 years of age; and

23 (ii) each incapacitated child;
 24 of the marriage.

25 (D) The relief sought.

26 SECTION 49. IC 31-16-12-12 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. (a) This section
 28 applies if:

29 (1) the parent who is entitled to receive child support; and

30 (2) the parent who is ordered to pay child support;

31 are both present in Indiana.

32 (b) The parent who is entitled to receive child support may register
 33 a child support order issued by another Indiana court or foreign court
 34 for the sole purpose of enforcement in accordance with ~~IC 31-18-6-1~~
 35 **IC 31-18.5-6-1** through ~~IC 31-18-6-8~~ **IC 31-18.5-6-8** of the Uniform
 36 Interstate Family Support Act.

37 SECTION 50. IC 31-16-13-1 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. If:

39 (1) the parent who is entitled to receive child support; and

40 (2) the parent who is ordered to pay child support;

41 are both present in Indiana, the parent who is entitled to receive child
 42 support may register a child support order issued by another Indiana



1 court or foreign court for the sole purpose of enforcement in
 2 accordance with ~~IC 31-18-6-1~~ **IC 31-18.5-6-1** through ~~IC 31-18-6-8~~
 3 **IC 31-18.5-6-8** of the Uniform Interstate Family Support Act.

4 SECTION 51. IC 31-16-15-29, AS ADDED BY P.L.103-2007,
 5 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2015]: Sec. 29. (a) The registration of a foreign support order
 7 as provided in ~~IC 31-18-6~~ **IC 31-18.5-6** is sufficient for the
 8 implementation of an income withholding order by the Title IV-D
 9 agency.

10 (b) The Title IV-D agency shall issue a notice in accordance with
 11 section 3.5 of this chapter of the implementation of a foreign support
 12 order to the obligor.

13 SECTION 52. IC 31-18 IS REPEALED [EFFECTIVE JULY 1,
 14 2015]. (Family Law: Uniform Interstate Family Support Act).

15 SECTION 53. IC 31-18.5 IS ADDED TO THE INDIANA CODE
 16 AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY
 17 1, 2015]:

18 **ARTICLE 18.5. FAMILY LAW: UNIFORM INTERSTATE**
 19 **FAMILY SUPPORT ACT**

20 **Chapter. 1. General Provisions**

21 **Sec. 1. This article may be cited as the Uniform Interstate**
 22 **Family Support Act.**

23 **Sec. 2. In this article:**

24 (1) "Child" means an individual, whether over or under the
 25 age of majority, who is or is alleged to be owed a duty of
 26 support by the individual's parent or who is or is alleged to be
 27 the beneficiary of a support order directed to the parent.

28 (2) "Child support order" means a support order for a child,
 29 including a child who has attained the age of majority under
 30 the law of the issuing state or foreign country.

31 (3) "Convention" means the Convention on the International
 32 Recovery of Child Support and Other Forms of Family
 33 Maintenance, concluded at The Hague on November 23, 2007.

34 (4) "Duty of support" means an obligation imposed or
 35 impossible by law to provide support for a:

36 (A) child;

37 (B) spouse; or

38 (C) former spouse;

39 including an unsatisfied obligation to provide support.

40 (5) "Foreign country" means a country, including a political
 41 subdivision thereof, other than the United States, that
 42 authorizes the issuance of support orders and:



- 1 (A) which has been declared under the law of the United
 2 States to be a foreign reciprocating country;
 3 (B) which has established a reciprocal arrangement for
 4 child support with Indiana as provided in IC 31-18.5-3-8;
 5 (C) which has enacted a law or established procedures for
 6 the issuance and enforcement of support orders which are
 7 substantially similar to the procedures under this article;
 8 or
 9 (D) in which the Convention is in force with respect to the
 10 United States.
- 11 (6) "Foreign support order" means a support order of a
 12 foreign tribunal.
- 13 (7) "Foreign tribunal" means a court, administrative agency,
 14 or quasi-judicial entity of a foreign country which is
 15 authorized to:
 16 (A) establish, enforce, or modify support orders; or
 17 (B) determine parentage of a child.
- 18 The term includes a competent authority under the
 19 Convention.
- 20 (8) "Home state" means:
 21 (A) the state or foreign country in which a child lived with
 22 a parent or a person acting as parent for at least six (6)
 23 consecutive months immediately preceding the time of
 24 filing of a petition or comparable pleading for support;
 25 and
 26 (B) if a child is less than six (6) months old, the state or
 27 foreign country in which the child lived from birth with
 28 any parent or person acting as parent.
- 29 A period of temporary absence of any parent or person acting
 30 as parent is counted as part of the six (6) month or other
 31 period.
- 32 (9) "Income" includes earnings or other periodic entitlements
 33 to money from any source and any other property subject to
 34 withholding for support under Indiana law.
- 35 (10) "Income withholding order" means an order or other
 36 legal process directed to an obligor's income payor (as defined
 37 in IC 31-9-2-57) or other debtor to withhold support from the
 38 income of the obligor.
- 39 (11) "Initiating tribunal" means the tribunal of a state or
 40 foreign country from which a petition or comparable pleading
 41 is forwarded or in which a petition or comparable pleading is
 42 filed for forwarding to another state or foreign country.



1 (12) "Issuing foreign country" means the foreign country in
 2 which a tribunal issues a support order or a judgment
 3 determining parentage of a child.

4 (13) "Issuing state" means the state in which a tribunal issues
 5 a support order or a judgment determining parentage of a
 6 child.

7 (14) "Issuing tribunal" means the tribunal of a state or
 8 foreign country that issues a support order or a judgment
 9 determining parentage of a child.

10 (15) "Law" includes decisional and statutory law and rules
 11 and regulations having the force of law.

12 (16) "Obligee" means:

13 (A) an individual to whom a duty of support is or is alleged
 14 to be owed or in whose favor:

15 (i) a support order; or

16 (ii) a judgment determining parentage of a child;
 17 has been issued;

18 (B) a foreign country, state, or political subdivision of a
 19 state to which the rights under a duty of support or
 20 support order have been assigned or which has
 21 independent claims based on financial assistance provided
 22 to an individual obligee in place of child support;

23 (C) an individual seeking a judgment determining
 24 parentage of the individual's child; or

25 (D) a person that is a creditor in a proceeding under
 26 IC 31-18.5-7.

27 (17) "Obligor" means an individual or the estate of a decedent
 28 that:

29 (A) owes or is alleged to owe a duty of support;

30 (B) is alleged but has not been adjudicated to be a parent
 31 of a child;

32 (C) is liable under a support order; or

33 (D) is a debtor in a proceeding under IC 31-18.5-7.

34 (18) "Outside this state" means a location in another state or
 35 a country other than the United States, whether or not the
 36 country is a foreign country.

37 (19) "Person" means:

38 (A) an individual;

39 (B) a corporation;

40 (C) a business trust;

41 (D) an estate;

42 (E) a trust;



- 1 (F) a partnership;
 2 (G) a limited liability company;
 3 (H) an association;
 4 (I) a joint venture;
 5 (J) a public corporation;
 6 (K) a government;
 7 (L) a governmental subdivision, agency, or
 8 instrumentality; or
 9 (M) any other legal or commercial entity.
- 10 (20) "Record" means information that is inscribed on a
 11 tangible medium or that is stored in an electronic or other
 12 medium and is retrievable in perceivable form.
- 13 (21) "Register" means to file in an Indiana tribunal a support
 14 order or judgment determining parentage of a child issued in
 15 another state or a foreign country.
- 16 (22) "Registering tribunal" means a tribunal in which a
 17 support order or judgment determining parentage of a child
 18 is registered.
- 19 (23) "Responding state" means a state in which a petition or
 20 comparable pleading for support or to determine parentage
 21 of a child is filed or to which a petition or comparable
 22 pleading is forwarded for filing from another state or a
 23 foreign country.
- 24 (24) "Responding tribunal" means the authorized tribunal in
 25 a responding state or foreign country.
- 26 (25) "Spousal support order" means a support order for a
 27 spouse or former spouse of the obligor.
- 28 (26) "State" means:
 29 (A) a state of the United States;
 30 (B) the District of Columbia;
 31 (C) Puerto Rico;
 32 (D) the United States Virgin Islands; or
 33 (E) any territory or insular possession under the
 34 jurisdiction of the United States.
- 35 The term includes an Indian nation or tribe.
- 36 (27) "Support enforcement agency" means a public official,
 37 governmental entity, or private agency authorized to:
 38 (A) seek enforcement of support orders or laws relating to
 39 the duty of support;
 40 (B) seek establishment or modification of child support;
 41 (C) request determination of parentage of a child;
 42 (D) attempt to locate obligors or their assets; or



- 1 (E) request determination of the controlling child support
2 order.
- 3 (28) "Support order" means a judgment, decree, order, or
4 directive, whether:
- 5 (A) temporary;
6 (B) final; or
7 (C) subject to modification;
8 issued in a state or foreign country for the benefit of a child,
9 a spouse, or a former spouse, which provides for monetary
10 support, health care, arrearages, retroactive support, or
11 reimbursement for financial assistance provided to an
12 individual obligee in place of child support. The term may
13 include related costs and fees, interest, income withholding,
14 automatic adjustment, reasonable attorney's fees, and other
15 relief.
- 16 (29) "Tribunal" means a court, administrative agency, or
17 quasi-judicial entity authorized to establish, enforce, or
18 modify support orders or to determine parentage of a child.
- 19 Sec. 3. (a) The court is the tribunal of Indiana.
- 20 (b) The Title IV-D agency (as defined in IC 31-9-2-130) is the
21 support enforcement agency of Indiana.
- 22 Sec. 4. (a) Remedies provided by this article are cumulative and
23 do not affect the availability of remedies under other law or the
24 recognition of a foreign support order on the basis of comity.
- 25 (b) This article does not:
- 26 (1) provide the exclusive method of establishing or enforcing
27 a support order under Indiana law; or
28 (2) grant an Indiana tribunal jurisdiction to render judgment
29 or issue an order relating to child custody, visitation, or
30 parenting time in a proceeding under this article.
- 31 Sec. 5. (a) An Indiana tribunal shall apply this chapter and
32 IC 31-18.5-2 through IC 31-18.5-6 and, as applicable, IC 31-18.5-7,
33 to a support proceeding involving:
- 34 (1) a foreign support order;
35 (2) a foreign tribunal; or
36 (3) an obligee, obligor, or child residing in a foreign country.
- 37 (b) An Indiana tribunal that is requested to recognize and
38 enforce a support order on the basis of comity may apply the
39 procedural and substantive provisions of this chapter and
40 IC 31-18.5-2 through IC 31-18.5-6.
- 41 (c) IC 31-18.5-7 applies only to a support proceeding under the
42 Convention. In such a proceeding, if a provision of IC 31-18.5-7 is



inconsistent with this chapter or IC 31-18.5-2 through IC 31-18.5-6, IC 31-18.5-7 controls.

Chapter 2. Jurisdiction

Sec. 1. (a) In a proceeding to establish or enforce a support order or to determine parentage of a child, an Indiana tribunal may exercise personal jurisdiction over a nonresident individual or the individual's guardian or custodian if:

(1) the individual is personally served with a summons, notice, or subpoena within this state;

(2) the individual submits to the jurisdiction of Indiana by consent in a record, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction;

(3) the individual resided with the child in Indiana;

(4) the individual resided in Indiana and provided prenatal expenses or support for the child;

(5) the child resides in Indiana as a result of the acts or directives of the individual;

(6) the individual engaged in sexual intercourse in Indiana and the child may have been conceived by that act of intercourse;

(7) the individual asserted parentage of a child in the putative father registry administered in Indiana by the state department of health; or

(8) there is any other basis consistent with the constitutions of Indiana and the United States for the exercise of personal jurisdiction.

(b) The bases of personal jurisdiction set forth in subsection (a) or in any other Indiana law may not be used to acquire personal jurisdiction for an Indiana tribunal to modify a child support order of another state unless the requirements of IC 31-18.5-6-11 are met, or, in the case of a foreign support order, unless the requirements of IC 31-18.5-6-15 are met.

Sec. 2. Personal jurisdiction acquired by an Indiana tribunal in a proceeding under this article or other Indiana law relating to a support order continues as long as an Indiana tribunal has continuing, exclusive jurisdiction to modify its order or continuing jurisdiction to enforce its order as provided by sections 5, 6, and 11 of this chapter.

Sec. 3. Under this article, an Indiana tribunal may serve as an initiating tribunal to forward proceedings to a tribunal of another state, and as a responding tribunal for proceedings initiated in



another state or a foreign country.

Sec. 4. (a) An Indiana tribunal may exercise jurisdiction to establish a support order if the petition or comparable pleading is filed after a pleading is filed in another state or a foreign country only if:

- (1) the petition or comparable pleading in Indiana is filed before the expiration of the time allowed in the other state or the foreign country for filing a responsive pleading challenging the exercise of jurisdiction by the other state or the foreign country;
- (2) the contesting party timely challenges the exercise of jurisdiction in the other state or the foreign country; and
- (3) if relevant, Indiana is the home state of the child.

(b) An Indiana tribunal may not exercise jurisdiction to establish a support order if the petition or comparable pleading is filed before a petition or comparable pleading is filed in another state or a foreign country if:

- (1) the petition or comparable pleading in the other state or foreign country is filed before the expiration of the time allowed in Indiana for filing a responsive pleading challenging the exercise of jurisdiction by Indiana;
- (2) the contesting party timely challenges the exercise of jurisdiction in Indiana; and
- (3) if relevant, the other state or foreign country is the home state of the child.

Sec. 5. (a) An Indiana tribunal that has issued a child support order consistent with Indiana law has and shall exercise continuing, exclusive jurisdiction to modify its child support order if the order is the controlling order and:

- (1) at the time of the filing of a request for modification Indiana is the residence of:
 - (A) the obligor;
 - (B) the individual obligee; or
 - (C) the child for whose benefit the support order is issued;
 or
- (2) even if Indiana is not the residence of:
 - (A) the obligor;
 - (B) the individual obligee; or
 - (C) the child for whose benefit the support order is issued;
 the parties consent in a record or in open court that an Indiana tribunal may continue to exercise jurisdiction to modify its order.



1 (b) An Indiana tribunal that has issued a child support order
 2 consistent with Indiana law may not exercise continuing, exclusive
 3 jurisdiction to modify the order if:

4 (1) all of the parties who are individuals file consent in a
 5 record with the Indiana tribunal that a tribunal of another
 6 state that has jurisdiction over at least one (1) of the parties
 7 who is an individual or that is located in the state of residence
 8 of the child may modify the order and assume continuing,
 9 exclusive jurisdiction; or

10 (2) its order is not the controlling order.

11 (c) If a tribunal of another state has issued a child support order
 12 pursuant to the Uniform Interstate Family Support Act or a law
 13 substantially similar to that act which modifies a child support
 14 order of an Indiana tribunal, Indiana tribunals shall recognize the
 15 continuing, exclusive jurisdiction of the tribunal of the other state.

16 (d) An Indiana tribunal that lacks continuing, exclusive
 17 jurisdiction to modify a child support order may serve as an
 18 initiating tribunal to request a tribunal of another state to modify
 19 a support order issued in that state.

20 (e) A temporary support order issued ex parte or pending
 21 resolution of a jurisdictional conflict does not create continuing,
 22 exclusive jurisdiction in the issuing tribunal.

23 Sec. 6. (a) An Indiana tribunal that has issued a child support
 24 order consistent with Indiana law may serve as an initiating
 25 tribunal to request a tribunal of another state to enforce:

26 (1) the order if the order is the controlling order and has not
 27 been modified by a tribunal of another state that assumed
 28 jurisdiction under the Uniform Interstate Family Support
 29 Act; or

30 (2) a money judgment for arrears of support and interest on
 31 the order accrued before a determination that an order of a
 32 tribunal of another state is the controlling order.

33 (b) An Indiana tribunal having continuing jurisdiction over a
 34 support order may act as a responding tribunal to enforce the
 35 order.

36 Sec. 7. (a) If a proceeding is brought under this article and only
 37 one (1) tribunal has issued a child support order, the order of that
 38 tribunal controls and must be recognized.

39 (b) If a proceeding is brought under this article, and two (2) or
 40 more child support orders have been issued by Indiana tribunals,
 41 another state, or a foreign country with regard to the same obligor
 42 and same child, an Indiana tribunal having personal jurisdiction



over both the obligor and individual obligee shall apply the following rules and by order shall determine which order controls and must be recognized:

(1) If only one (1) of the tribunals would have continuing, exclusive jurisdiction under this article, the order of that tribunal controls.

(2) If more than one (1) of the tribunals would have continuing, exclusive jurisdiction under this article:

(A) an order issued by a tribunal in the current home state of the child controls; or

(B) if an order has not been issued in the current home state of the child, the order most recently issued controls.

(3) If none of the tribunals would have continuing, exclusive jurisdiction under this article, the Indiana tribunal shall issue a child support order, which controls.

(c) If two (2) or more child support orders have been issued for the same obligor and same child, upon request of a party who is an individual or that is the support enforcement agency, an Indiana tribunal having personal jurisdiction over both the obligor and the obligee who is an individual shall determine which order controls under subsection (b). The request may be filed with a registration for enforcement or registration for modification under IC 31-18.5-6, or may be filed as a separate proceeding.

(d) A request to determine which is the controlling order must be accompanied by a copy of every child support order in effect and the applicable record of payments. The requesting party shall give notice of the request to each party whose rights may be affected by the determination.

(e) The tribunal that issued the controlling order under subsection (a), (b), or (c) has continuing jurisdiction to the extent provided in section 5 or 6 of this chapter.

(f) An Indiana tribunal that determines by order which is the controlling order under subsection (b)(1), (b)(2), or (c), or that issues a new controlling order under subsection (b)(3), shall state in that order:

(1) the basis upon which the tribunal made its determination;

(2) the amount of prospective support, if any; and

(3) the total amount of consolidated arrears and accrued interest, if any, under all of the orders after all payments made are credited as provided by section 9 of this chapter.

(g) Within thirty (30) days after issuance of an order determining which is the controlling order, the party obtaining the



1 order shall file a certified copy of the order in each tribunal that
 2 issued or registered an earlier order of child support. A party or
 3 support enforcement agency obtaining the order that fails to file a
 4 certified copy is subject to appropriate sanctions by a tribunal in
 5 which the issue of failure to file arises. The failure to file does not
 6 affect the validity or enforceability of the controlling order.

7 (h) An order that has been determined to be the controlling
 8 order, or a judgment for consolidated arrears of support and
 9 interest, if any, made under this section must be recognized in
 10 proceedings under this article.

11 Sec. 8. In responding to registrations or petitions for
 12 enforcement of two (2) or more child support orders in effect at the
 13 same time with regard to the same obligor and different individual
 14 obligees, at least one (1) of which was issued by a tribunal of
 15 another state or a foreign country, an Indiana tribunal shall
 16 enforce those orders in the same manner as if the orders had been
 17 issued by an Indiana tribunal.

18 Sec. 9. An Indiana tribunal shall credit amounts collected for a
 19 particular period under any child support order against the
 20 amounts owed for the same period under any other child support
 21 order for support of the same child issued by an Indiana tribunal
 22 or a tribunal of another state or a foreign country.

23 Sec. 10. An Indiana tribunal exercising personal jurisdiction
 24 over a nonresident in a proceeding under this article, under other
 25 Indiana law relating to a support order, or recognizing a foreign
 26 support order may:

- 27 (1) receive evidence from outside Indiana under
- 28 IC 31-18.5-3-16;
- 29 (2) communicate with a tribunal outside Indiana under
- 30 IC 31-18.5-3-17; and
- 31 (3) obtain discovery through a tribunal outside Indiana under
- 32 IC 31-18.5-3-18.

33 In all other respects, IC 31-18.5-3 through IC 31-18.5-6 does not
 34 apply, and the tribunal shall apply the procedural and substantive
 35 law of Indiana.

36 Sec. 11. (a) An Indiana tribunal issuing a spousal support order
 37 consistent with Indiana law has continuing, exclusive jurisdiction
 38 to modify the spousal support order throughout the existence of the
 39 support obligation.

40 (b) An Indiana tribunal may not modify a spousal support order
 41 issued by a tribunal of another state or a foreign country having
 42 continuing, exclusive jurisdiction over that order under the law of



that state or foreign country.

(c) An Indiana tribunal that has continuing, exclusive jurisdiction over a spousal support order may serve as:

- (1) an initiating tribunal to request a tribunal of another state to enforce the spousal support order issued in Indiana; or
- (2) a responding tribunal to enforce or modify its own spousal support order.

Chapter 3. Civil Provisions of General Application

Sec. 1. (a) Except as otherwise provided in this article, this chapter applies to all proceedings under this article.

(b) An individual petitioner or a support enforcement agency may initiate a proceeding authorized under this article by filing a petition in an initiating tribunal for forwarding to a responding tribunal or by filing a petition or a comparable pleading directly in a tribunal of another state or a foreign country which has or can obtain personal jurisdiction over the respondent.

Sec. 2. A minor parent, or a guardian or other legal representative of a minor parent, may maintain a proceeding on behalf of or for the benefit of the minor's child.

Sec. 3. Except as otherwise provided in this article, a responding Indiana tribunal shall:

- (1) apply the procedural and substantive law generally applicable to similar proceedings originating in Indiana and may exercise all powers and provide all remedies available in those proceedings; and
- (2) determine the duty of support and the amount payable in accordance with the law and support guidelines of Indiana.

Sec. 4. (a) Upon the filing of a petition authorized by this article, an initiating Indiana tribunal shall forward the petition and its accompanying documents:

- (1) to the responding tribunal or appropriate support enforcement agency in the responding state; or
- (2) if the identity of the responding tribunal is unknown, to the state information agency of the responding state with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged.

(b) If requested by the responding tribunal, an Indiana tribunal shall issue a certificate or other document and make findings required by the law of the responding state. If the responding tribunal is in a foreign country, upon request the Indiana tribunal shall specify the amount of support sought, convert that amount into the equivalent amount in the foreign currency under



1 applicable official or market exchange rate as publicly reported,
 2 and provide any other documents necessary to satisfy the
 3 requirements of the responding foreign tribunal.

4 Sec. 5. (a) When a responding Indiana tribunal receives a
 5 petition or comparable pleading from an initiating tribunal or
 6 directly under section 1(b) of this chapter, it shall cause the petition
 7 or pleading to be filed and notify the petitioner where and when it
 8 was filed.

9 (b) A responding Indiana tribunal, to the extent not prohibited
 10 by other law, may do one (1) or more of the following:

11 (1) Establish or enforce a support order, modify a child
 12 support order, determine the controlling child support order,
 13 or determine parentage of a child.

14 (2) Order an obligor to comply with a support order,
 15 specifying the amount and the manner of compliance.

16 (3) Order income withholding.

17 (4) Determine the amount of any arrearages, and specify a
 18 method of payment.

19 (5) Enforce orders by civil or criminal contempt, or both.

20 (6) Set aside property for satisfaction of the support order.

21 (7) Place liens and order execution on the obligor's property.

22 (8) Order an obligor to keep the tribunal informed of the
 23 obligor's current residential address, electronic mail address,
 24 telephone number, income payor, address of employment, and
 25 telephone number at the place of employment.

26 (9) Issue a bench warrant for an obligor who has failed after
 27 proper notice to appear at a hearing ordered by the tribunal
 28 and enter the bench warrant in any local and state computer
 29 systems for criminal warrants.

30 (10) Order the obligor to seek appropriate employment by
 31 specified methods.

32 (11) Award reasonable attorney's fees and other fees and
 33 costs.

34 (12) Grant any other available remedy.

35 (c) A responding Indiana tribunal shall include in a support
 36 order issued under this article, or in the documents accompanying
 37 the order, the calculations on which the support order is based.

38 (d) A responding Indiana tribunal may not condition the
 39 payment of a support order issued under this article upon
 40 compliance by a party with provisions for visitation.

41 (e) If a responding Indiana tribunal issues an order under this
 42 article, the tribunal shall send a copy of the order to the:



- (1) petitioner;
- (2) respondent; and
- (3) initiating tribunal, if any.

(f) If requested to enforce a support order, arrears, or judgment or modify a support order stated in a foreign currency, a responding Indiana tribunal shall convert the amount stated in the foreign currency to the equivalent amount in dollars under the applicable official or market exchange rate as publicly reported.

Sec. 6. If a petition or comparable pleading is received by an inappropriate Indiana tribunal, the tribunal shall:

- (1) forward the pleading and accompanying documents to an appropriate tribunal of this state or another state; and
- (2) notify the petitioner where and when the pleading was sent.

Sec. 7. (a) In a proceeding under this article, a support enforcement agency of Indiana, upon request:

- (1) shall provide services to a petitioner residing in a state;
- (2) shall provide services to a petitioner requesting services through a central authority of a foreign country as described in IC 31-18.5-1-2(5)(A) or IC 31-18.5-1-2(5)(D); and
- (3) may provide services to a petitioner who is an individual not residing in a state.

(b) A support enforcement agency of Indiana that is providing services to the petitioner shall:

- (1) take all steps necessary to enable an appropriate Indiana tribunal or a tribunal of another state or a foreign country to obtain jurisdiction over the respondent;
- (2) request an appropriate tribunal to set a date, time, and place for a hearing;
- (3) make a reasonable effort to obtain all relevant information, including information as to income and property of the parties;
- (4) within ten (10) days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of notice in a record from an initiating, responding, or registering tribunal, send a copy of the notice to the petitioner;
- (5) within ten (10) days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of communication in a record from the respondent or the respondent's attorney, send a copy of the communication to the petitioner; and
- (6) notify the petitioner if jurisdiction over the respondent cannot be obtained.



1 (c) A support enforcement agency of Indiana that requests
 2 registration of a child support order in Indiana for enforcement or
 3 for modification shall make reasonable efforts:

4 (1) to ensure that the order to be registered is the controlling
 5 order; or

6 (2) if two (2) or more child support orders exist and the
 7 identity of the controlling order has not been determined, to
 8 ensure that a request for such a determination is made in a
 9 tribunal having jurisdiction to do so.

10 (d) A support enforcement agency of Indiana that requests
 11 registration and enforcement of a support order, arrears, or
 12 judgment stated in a foreign currency shall convert the amounts
 13 stated in the foreign currency into the equivalent amounts in
 14 dollars under the applicable official or market exchange rate as
 15 publicly reported.

16 (e) A support enforcement agency of Indiana shall request an
 17 Indiana tribunal to issue a child support order and an income
 18 withholding order that redirect payment of current support,
 19 arrears, and interest if requested to do so by a support
 20 enforcement agency of another state under section 19 of this
 21 chapter.

22 (f) This article does not create or negate a relationship of
 23 attorney and client or other fiduciary relationship between the
 24 support enforcement agency or the attorney for the agency and the
 25 individual being assisted by the agency.

26 Sec. 8. (a) If the department of child services determines that the
 27 support enforcement agency is neglecting or refusing to provide
 28 services to an individual, the department of child services may:

29 (1) order the support enforcement agency to perform its
 30 duties under this article; or

31 (2) provide those services directly to the individual.

32 (b) The department of child services may determine that a
 33 foreign country has established a reciprocal arrangement for child
 34 support with Indiana and take appropriate action for notification
 35 of the determination.

36 Sec. 9. An individual may employ private counsel to represent
 37 the individual in proceedings authorized by this article.

38 Sec. 10. (a) The child support bureau is the state information
 39 agency under this article.

40 (b) The state information agency shall:

41 (1) compile and maintain a current list, including addresses,
 42 of the Indiana tribunals that have jurisdiction under this



1 article and any support enforcement agencies in this state and
 2 transmit a copy to the state information agency of every other
 3 state;

4 (2) maintain a register of names and addresses of tribunals
 5 and support enforcement agencies received from other states;

6 (3) forward to the appropriate tribunal in the county in
 7 Indiana in which the obligee who is an individual or the
 8 obligor resides, or in which the obligor's property is believed
 9 to be located, all documents concerning a proceeding under
 10 this article received from another state or a foreign country;
 11 and

12 (4) obtain information concerning the location of the obligor
 13 and the obligor's property within Indiana not exempt from
 14 execution, by such means as:

15 (A) postal verification and federal or state locator services;

16 (B) examination of telephone directories;

17 (C) requests for the obligor's address from income payors;
 18 and

19 (D) examination of governmental records, including, to the
 20 extent not prohibited by other law, those relating to:

21 (i) real property;

22 (ii) vital statistics;

23 (iii) law enforcement;

24 (iv) taxation;

25 (v) motor vehicles;

26 (vi) driver's licenses; and

27 (vii) Social Security.

28 Sec. 11. (a) In a proceeding under this article, a petitioner
 29 seeking to establish a support order, to determine parentage of a
 30 child, or to register and modify a support order of a tribunal of
 31 another state or a foreign country must file a petition. Unless
 32 otherwise ordered under section 12 of this chapter, the petition or
 33 accompanying documents must provide, so far as known, the name,
 34 residential address, and Social Security numbers of the obligor and
 35 the obligee or the parent and alleged parent, and the name, sex,
 36 residential address, Social Security number, and date of birth of
 37 each child for whose benefit support is sought or whose parentage
 38 is to be determined. Unless filed at the time of registration, the
 39 petition must be accompanied by a copy of any support order
 40 known to have been issued by another tribunal. The petition may
 41 include any other information that may assist in locating or
 42 identifying the respondent.



1 (b) The petition must specify the relief sought. The petition and
2 accompanying documents must conform substantially with the
3 requirements imposed by the forms mandated by federal law for
4 use in cases filed by a support enforcement agency.

5 Sec. 12. If a party alleges in an affidavit or a pleading under
6 oath that the health, safety, or liberty of a party or child would be
7 jeopardized by disclosure of specific identifying information, that
8 information must be sealed and may not be disclosed to the other
9 party or the public. After a hearing in which a tribunal takes into
10 consideration the health, safety, or liberty of the party or child, the
11 tribunal may order disclosure of information that the tribunal
12 determines to be in the interest of justice.

13 Sec. 13. (a) The petitioner may not be required to pay a filing fee
14 or other costs.

15 (b) If an obligee prevails, a responding Indiana tribunal may
16 assess against an obligor filing fees, reasonable attorney's fees,
17 other costs, and necessary travel and other reasonable expenses
18 incurred by the obligee and the obligee's witnesses.

19 (c) The tribunal may not assess:

20 (1) fees;

21 (2) costs; or

22 (3) expenses;

23 against the obligee or the support enforcement agency of either the
24 initiating or responding state or foreign country, except as
25 provided by other law.

26 (d) Attorney's fees may be taxed as costs, and may be ordered
27 paid directly to the attorney, who may enforce the order in the
28 attorney's own name. Payment of support owed to the obligee has
29 priority over fees, costs, and expenses.

30 (e) The tribunal shall order the payment of costs and reasonable
31 attorney's fees if it determines that a hearing was requested
32 primarily for delay. In a proceeding under IC 31-18.5-6, a hearing
33 is presumed to have been requested primarily for delay if a
34 registered support order is confirmed or enforced without change.

35 Sec. 14. (a) Participation by a petitioner in a proceeding under
36 this article before a responding tribunal, whether:

37 (1) in person;

38 (2) by private attorney; or

39 (3) through services provided by the support enforcement
40 agency;

41 does not confer personal jurisdiction over the petitioner in another
42 proceeding.



1 (b) A petitioner is not amenable to service of civil process while
2 physically present in Indiana to participate in a proceeding under
3 this article.

4 (c) The immunity granted by this section does not extend to civil
5 litigation based on acts unrelated to a proceeding under this article
6 committed by a party while physically present in Indiana to
7 participate in the proceeding.

8 Sec. 15. A party whose parentage of a child has been previously
9 determined by or under law may not plead nonparentage as a
10 defense to a proceeding under this article.

11 Sec. 16. (a) The physical presence of a nonresident party who is
12 an individual in an Indiana tribunal is not required for the
13 establishment, enforcement, or modification of a support order or
14 the rendition of a judgment determining parentage of a child.

15 (b) An affidavit, a document substantially complying with
16 federally mandated forms, or a document incorporated by
17 reference in any of them, which would not be excluded under the
18 hearsay rule if given in person, is admissible in evidence if given
19 under penalty of perjury by a party or witness residing outside
20 Indiana.

21 (c) A copy of the record of child support payments certified as
22 a true copy of the original by the custodian of the record may be
23 forwarded to a responding tribunal. The copy is evidence of facts
24 asserted in it and is admissible to show whether payments were
25 made.

26 (d) Copies of bills for testing for parentage of a child, and for
27 prenatal and postnatal health care of the mother and child,
28 furnished to the adverse party at least ten (10) days before trial,
29 are admissible in evidence to prove the amount of the charges
30 billed and that the charges were reasonable, necessary, and
31 customary.

32 (e) Documentary evidence transmitted from outside Indiana to
33 an Indiana tribunal by telephone, telecopier, or other electronic
34 means that do not provide an original record may not be excluded
35 from evidence on an objection based on the means of transmission.

36 (f) In a proceeding under this article, an Indiana tribunal shall
37 permit a party or witness residing outside Indiana to be deposed or
38 to testify under penalty of perjury by telephone, audiovisual
39 means, or other electronic means at:

40 (1) a designated tribunal; or

41 (2) another location.

42 An Indiana tribunal shall cooperate with other tribunals in



designating an appropriate location for the deposition or testimony.

(g) If a party called to testify at a civil hearing refuses to answer on the ground that the testimony may be self-incriminating, the trier of fact may draw an adverse inference from the refusal.

(h) A privilege against disclosure of communications between spouses does not apply in a proceeding under this article.

(i) The defense of immunity based on the relationship of husband and wife or parent and child does not apply in a proceeding under this article.

(j) A voluntary acknowledgment of parentage, certified as a true copy, is admissible to establish parentage of the child.

Sec. 17. (a) An Indiana tribunal may communicate with a tribunal outside Indiana in a record or by telephone, electronic mail, or other means, to obtain information concerning the laws, the legal effect of a judgment, decree, or order of that tribunal, and the status of a proceeding.

(b) An Indiana tribunal may furnish similar information by similar means to a tribunal outside Indiana.

Sec. 18. An Indiana tribunal may:

(1) request a tribunal outside Indiana to assist in obtaining discovery; and

(2) upon request, compel a person over which it has jurisdiction to respond to a discovery order issued by a tribunal outside Indiana.

Sec. 19. (a) A support enforcement agency or Indiana tribunal shall disburse promptly any amounts received under a support order, as directed by the order. The agency or tribunal shall furnish to a requesting party or tribunal of another state or a foreign country a certified statement by the custodian of the record of the amounts and dates of all payments received.

(b) If neither the obligor, nor the obligee who is an individual, nor the child resides in Indiana, upon request from the support enforcement agency of Indiana or another state, the support enforcement agency of this state or an Indiana tribunal shall:

(1) direct that the support payment be made to the support enforcement agency in the state in which the obligee is receiving services; and

(2) issue and send to the obligor's income payor a conforming income withholding order or an administrative notice of change of payee, reflecting the redirected payments.

(c) The support enforcement agency of Indiana receiving



1 redirected payments from another state under a law similar to
 2 subsection (b) shall furnish to a requesting party or tribunal of the
 3 other state a certified statement by the custodian of the record of
 4 the amount and dates of all payments received.

5 **Chapter 4. Establishment of Support Order or Determination**
 6 **of Parentage**

7 **Sec. 1. (a)** If a support order entitled to recognition under this
 8 article has not been issued, a responding Indiana tribunal with
 9 personal jurisdiction over the parties may issue a support order if:

- 10 (1) the individual seeking the order resides outside Indiana;
 11 or
 12 (2) the support enforcement agency seeking the order is
 13 located outside Indiana.

14 **(b)** The tribunal may issue a temporary child support order if
 15 the tribunal determines that such an order is appropriate and the
 16 individual ordered to pay is:

- 17 (1) a presumed father of the child;
 18 (2) petitioning to have the individual's parentage adjudicated;
 19 (3) identified as the father of the child through genetic testing;
 20 (4) an alleged father who has declined to submit to genetic
 21 testing;
 22 (5) shown by clear and convincing evidence to be the father of
 23 the child;
 24 (6) an acknowledged father as provided by IC 16-37-2-2.1;
 25 (7) the mother of the child; or
 26 (8) an individual who has been ordered to pay child support
 27 in a previous proceeding and the order has not been reversed
 28 or vacated.

29 **(c)** Upon finding, after notice and opportunity to be heard, that
 30 an obligor owes a duty of support, the tribunal shall issue a support
 31 order directed to the obligor and may issue other orders under
 32 IC 31-18.5-3-5.

33 **Sec. 2.** An Indiana tribunal authorized to determine parentage
 34 of a child may serve as a responding tribunal in a proceeding to
 35 determine parentage of a child brought under this article or a law
 36 or procedure substantially similar to this article.

37 **Chapter 5. Enforcement of Support Order Without Registration**

38 **Sec. 1.** An income withholding order issued in another state may
 39 be sent by or on behalf of the obligee, or by the support
 40 enforcement agency, to the person defined as the obligor's income
 41 payor under IC 31-9-2-57 without first filing a petition or
 42 comparable pleading or registering the order with an Indiana



1 tribunal.

2 Sec. 2. (a) Upon receipt of an income withholding order, the
3 obligor's income payor shall immediately provide a copy of the
4 order to the obligor.

5 (b) The income payor shall treat an income withholding order
6 issued in another state which appears regular on its face as if it had
7 been issued by an Indiana tribunal.

8 (c) Except as otherwise provided in subsection (d) and section 3
9 of this chapter, the income payor shall withhold and distribute the
10 funds as directed in the withholding order by complying with terms
11 of the order which specify:

12 (1) the duration and amount of periodic payments of current
13 child support, stated as a sum certain;

14 (2) the person designated to receive payments and the address
15 to which the payments are to be forwarded;

16 (3) medical support, whether in the form of periodic cash
17 payment, stated as a sum certain, or ordering the obligor to
18 provide health insurance coverage for the child under a policy
19 available through the obligor's employment;

20 (4) the amount of periodic payments of fees and costs for a
21 support enforcement agency, the issuing tribunal, and the
22 obligee's attorney, stated as sums certain; and

23 (5) the amount of periodic payments of arrearages and
24 interest on arrearages, stated as sums certain.

25 (d) An income payor shall comply with the law of the state of the
26 obligor's principal place of employment for withholding from
27 income with respect to:

28 (1) the income payor's fee for processing an income
29 withholding order;

30 (2) the maximum amount permitted to be withheld from the
31 obligor's income; and

32 (3) the times within which the income payor must implement
33 the withholding order and forward the child support
34 payment.

35 Sec. 3. If an obligor's income payor receives two (2) or more
36 income withholding orders with respect to the earnings of the same
37 obligor, the income payor satisfies the terms of the orders if the
38 income payor complies with the law of the state of the obligor's
39 principal place of employment to establish the priorities for
40 withholding and allocating income withheld for two (2) or more
41 child support obligees.

42 Sec. 4. An income payor that complies with an income



1 withholding order issued in another state in accordance with this
 2 section is not subject to civil liability to an individual or agency
 3 with regard to the income payor's withholding of child support
 4 from the obligor's income.

5 Sec. 5. An income payor that willfully fails to comply with an
 6 income withholding order issued in another state and received for
 7 enforcement is subject to the same penalties that may be imposed
 8 for noncompliance with an order issued by an Indiana tribunal.

9 Sec. 6. (a) An obligor may contest the validity or enforcement of
 10 an income withholding order issued in another state and received
 11 directly by an income payor in Indiana by registering the order in
 12 an Indiana tribunal and filing a contest to that order as provided
 13 in IC 31-18.5-6, or otherwise contesting the order in the same
 14 manner as if the order had been issued by an Indiana tribunal.

15 (b) The obligor shall give notice of the contest to:

- 16 (1) a support enforcement agency providing services to the
- 17 obligee;
- 18 (2) each income payor that has directly received an income
- 19 withholding order relating to the obligor; and
- 20 (3) the person designated to receive payments in the income
- 21 withholding order or, if no person is designated, to the
- 22 obligee.

23 Sec. 7. (a) A party or support enforcement agent seeking to
 24 enforce a support order or an income withholding order, or both,
 25 issued in another state or a foreign support order may send the
 26 documents required for registering the order to a support
 27 enforcement agency of Indiana.

28 (b) Upon receipt of the documents, the support enforcement
 29 agency, without initially seeking to register the order, shall
 30 consider and, if appropriate, use any administrative procedure
 31 authorized by Indiana law to enforce a support order or an income
 32 withholding order, or both. If the obligor does not contest
 33 administrative enforcement, the order need not be registered. If the
 34 obligor contests the validity or administrative enforcement of the
 35 order, the support enforcement agency shall register the order
 36 pursuant to this article.

37 Chapter 6. Registration, Enforcement, and Modification of 38 Support Order

39 Sec. 1. A support order or income withholding order issued in
 40 another state or a foreign support order may be registered in
 41 Indiana for enforcement.

42 Sec. 2. (a) Except as otherwise provided in IC 31-18.5-7-6, a



1 support order or income withholding order of another state or a
 2 foreign support order may be registered in Indiana by sending the
 3 following records to the appropriate tribunal in Indiana:

4 (1) a letter of transmittal to the tribunal requesting
 5 registration and enforcement;

6 (2) two (2) copies, including one (1) certified copy, of the order
 7 to be registered, including any modification of the order;

8 (3) a sworn statement by the person requesting registration or
 9 a certified statement by the custodian of the records showing
 10 the amount of any arrearage;

11 (4) the name of the obligor and, if known:

12 (A) the obligor's address and Social Security number;

13 (B) the name and address of the obligor's income payor
 14 and any other source of income of the obligor; and

15 (C) a description and the location of property of the
 16 obligor in this state not exempt from execution; and

17 (5) except as otherwise provided in IC 31-18.5-3-12, the name
 18 and address of the obligee and, if applicable, the person to
 19 whom support payments are to be remitted.

20 (b) On receipt of a request for registration, the registering
 21 tribunal shall cause the order to be filed as an order of a tribunal
 22 of another state or a foreign support order, together with one (1)
 23 copy of the documents and information, regardless of their form.

24 (c) A petition or comparable pleading seeking a remedy that
 25 must be affirmatively sought under other Indiana law may be filed
 26 at the same time as the request for registration or later. The
 27 pleading must specify the grounds for the remedy sought.

28 (d) If two (2) or more orders are in effect, the person requesting
 29 registration shall:

30 (1) furnish to the tribunal a copy of every support order
 31 asserted to be in effect in addition to the documents specified
 32 in this section;

33 (2) specify the order alleged to be the controlling order, if any;
 34 and

35 (3) specify the amount of consolidated arrears, if any.

36 (e) A request for a determination of which is the controlling
 37 order may be filed separately or with a request for registration and
 38 enforcement or for registration and modification. The person
 39 requesting registration shall give notice of the request to each
 40 party whose rights may be affected by the determination.

41 Sec. 3. (a) A support order or income withholding order issued
 42 in another state or a foreign support order is registered when the



1 order is filed in the registering Indiana tribunal.

2 (b) A registered support order issued in another state or a
3 foreign country is enforceable in the same manner and is subject
4 to the same procedures as an order issued by an Indiana tribunal.

5 (c) Except as otherwise provided in this article, an Indiana
6 tribunal shall recognize and enforce, but may not modify, a
7 registered support order if the issuing tribunal had jurisdiction.

8 Sec. 4. (a) Except as otherwise provided in subsection (d), the
9 law of the issuing state or foreign country governs:

10 (1) the nature, extent, amount, and duration of current
11 payments under a registered support order;

12 (2) the computation and payment of arrearages and accrual
13 of interest on the arrearages under the support order; and

14 (3) the existence and satisfaction of other obligations under
15 the support order.

16 (b) In a proceeding for arrears under a registered support
17 order, the statute of limitation of Indiana or of the issuing state or
18 foreign country, whichever is longer, applies.

19 (c) A responding Indiana tribunal shall apply the procedures
20 and remedies of Indiana to enforce current support and collect
21 arrears and interest due on a support order of another state or a
22 foreign country registered in Indiana.

23 (d) After an Indiana tribunal or another state determines which
24 is the controlling order and issues an order consolidating arrears,
25 if any, an Indiana tribunal shall prospectively apply the law of the
26 state or foreign country issuing the controlling order, including its
27 law on interest on arrears, on current and future support, and on
28 consolidated arrears.

29 Sec. 5. (a) When a support order or income withholding order
30 issued in another state or a foreign support order is registered, the
31 registering Indiana tribunal shall notify the nonregistering party.
32 The notice must be accompanied by a copy of the registered order
33 and the documents and relevant information accompanying the
34 order.

35 (b) A notice must inform the nonregistering party:

36 (1) that a registered support order is enforceable as of the
37 date of registration in the same manner as an order issued by
38 an Indiana tribunal;

39 (2) that a hearing to contest the validity or enforcement of the
40 registered order must be requested within twenty (20) days
41 after notice unless the registered order is under
42 IC 31-18.5-7-7;



(3) that failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order and the alleged arrearages; and

(4) of the amount of any alleged arrearages.

(c) If the registering party asserts that two (2) or more orders are in effect, a notice must also:

(1) identify the two (2) or more orders and the order alleged by the registering party to be the controlling order and the consolidated arrears, if any;

(2) notify the nonregistering party of the right to a determination of which is the controlling order;

(3) state that the procedures provided in subsection (b) apply to the determination of which is the controlling order; and

(4) state that failure to contest the validity or enforcement of the order alleged to be the controlling order in a timely manner may result in confirmation that the order is the controlling order.

(d) Upon registration of an income withholding order for enforcement, the support enforcement agency or the registering tribunal shall notify the obligor's income payor under IC 31-16-15.

Sec. 6. (a) A nonregistering party seeking to contest the validity or enforcement of a registered support order in Indiana shall request a hearing within the time required by section 5 of this chapter. The nonregistering party may seek to vacate the registration to assert any defense to an allegation of noncompliance with the registered order, or to contest the remedies being sought or the amount of any alleged arrearages under section 7 of this chapter.

(b) If the nonregistering party fails to contest the validity or enforcement of the registered support order in a timely manner, the order is confirmed by operation of law.

(c) If a nonregistering party requests a hearing to contest the validity or enforcement of the registered support order, the registering tribunal shall schedule the matter for hearing and give notice to the parties of the date, time, and place of the hearing.

Sec. 7. (a) A party contesting the validity or enforcement of a registered support order or seeking to vacate the registration has the burden of proving one (1) or more of the following defenses:

(1) The issuing tribunal lacked personal jurisdiction over the contesting party.

(2) The order was obtained by fraud.



(3) The order has been vacated, suspended, or modified by a later order.

(4) The issuing tribunal has stayed the order pending appeal.

(5) There is a defense under Indiana law to the remedy sought.

(6) Full or partial payment has been made.

(7) The statute of limitation under section 4 of this chapter precludes enforcement of some or all of the alleged arrearages.

(8) The alleged controlling order is not the controlling order.

(b) If a party presents evidence establishing a full or partial defense under subsection (a), a tribunal may:

(1) stay enforcement of a registered support order;

(2) continue the proceeding to permit production of additional relevant evidence; and

(3) issue other appropriate orders.

An uncontested part of the registered support order may be enforced by all remedies available under Indiana law.

(c) If the contesting party does not establish a defense under subsection (a) to the validity or enforcement of a registered support order, the registering tribunal shall issue an order confirming the order.

Sec. 8. Confirmation of a registered support order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.

Sec. 9. A party or support enforcement agency seeking to modify, or to modify and enforce, a child support order issued in another state shall register that order in Indiana in the same manner provided in sections 1 through 8 of this chapter if the order has not been registered. A petition for modification may be filed at the same time as a request for registration or later. The pleading must specify the grounds for modification.

Sec. 10. An Indiana tribunal may enforce a child support order of another state registered for purposes of modification, in the same manner as if the order had been issued by an Indiana tribunal, but the registered support order may be modified only if the requirements of section 11 or 13 of this chapter have been met.

Sec. 11. (a) If section 13 of this chapter does not apply, upon petition, an Indiana tribunal may modify a child support order issued in another state which is registered in Indiana if, after notice and hearing, the tribunal finds that:



(1) the following requirements are met:

(A) neither the child, nor the obligee who is an individual, nor the obligor resides in the issuing state;

(B) a petitioner who is a nonresident of this state seeks modification; and

(C) the respondent is subject to the personal jurisdiction of the Indiana tribunal; or

(2) Indiana is the residence of the child, or a party who is an individual is subject to the personal jurisdiction of the Indiana tribunal, and all of the parties who are individuals have filed consents in a record in the issuing tribunal for an Indiana tribunal to modify the support order and assume continuing, exclusive jurisdiction.

(b) Modification of a registered child support order is subject to the same requirements, procedures, and defenses that apply to the modification of an order issued by an Indiana tribunal and the order may be enforced and satisfied in the same manner.

(c) An Indiana tribunal may not modify any aspect of a child support order that may not be modified under the law of the issuing state, including the duration of the obligation of support. If two (2) or more tribunals have issued child support orders for the same obligor and same child, the order that controls and must be so recognized under IC 31-18.5-2-7 establishes the aspects of the support order which are nonmodifiable.

(d) In a proceeding to modify a child support order, the law of the state that is determined to have issued the initial controlling order governs the duration of the obligation of support. The obligor's fulfillment of the duty of support established by that order precludes imposition of a further obligation of support by an Indiana tribunal.

(e) On the issuance of an order by an Indiana tribunal modifying a child support order issued in another state, the Indiana tribunal becomes the tribunal having continuing, exclusive jurisdiction.

(f) Notwithstanding subsections (a) through (e) and IC 31-18.5-2-1(b), an Indiana tribunal retains jurisdiction to modify an order issued by an Indiana tribunal if:

(1) one (1) party resides in another state; and

(2) the other party resides outside the United States.

Sec. 12. If a child support order issued by an Indiana tribunal is modified by a tribunal of another state which assumed jurisdiction under the Uniform Interstate Family Support Act, an



Indiana tribunal:

- (1) may enforce its order that was modified only as to arrears and interest accruing before the modification;
- (2) may provide appropriate relief for violations of its order which occurred before the effective date of the modification; and
- (3) shall recognize the modifying order of the other state, upon registration, for the purpose of enforcement.

Sec. 13. (a) If all of the parties who are individuals reside in Indiana and the child does not reside in the issuing state, an Indiana tribunal has jurisdiction to enforce and to modify the issuing state's child support order in a proceeding to register that order.

(b) An Indiana tribunal exercising jurisdiction under this section shall apply IC 31-18.5-1, IC 31-18.5-2, this chapter, and the procedural and substantive Indiana law to the proceeding for enforcement or modification. IC 31-18.5-1 through IC 31-18.5-5 and IC 31-18.5-7 through IC 31-18.5-8 do not apply.

Sec. 14. Within thirty (30) days after issuance of a modified child support order, the party obtaining the modification shall file a certified copy of the order with the issuing tribunal that had continuing, exclusive jurisdiction over the earlier order, and in each tribunal in which the party knows the earlier order has been registered. A party who obtains the order and fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the modified order of the new tribunal having continuing, exclusive jurisdiction.

Sec. 15. (a) Except as otherwise provided in IC 31-18.5-7-11, if a foreign country lacks or refuses to exercise jurisdiction to modify its child support order pursuant to its laws, an Indiana tribunal may assume jurisdiction to modify the child support order and bind all individuals subject to the personal jurisdiction of the tribunal, whether the consent to modification of a child support order otherwise required of the individual under section 11 of this chapter has been given or whether the individual seeking modification is a resident of Indiana or of the foreign country.

(b) An order issued by an Indiana tribunal modifying a foreign child support order pursuant to this section is the controlling order.

Sec. 16. A party or support enforcement agency seeking to:

- (1) modify; or



(2) modify and enforce;
 a foreign child support order not under the Convention may register that order in Indiana under sections 1 through 8 of this chapter if the order has not been registered. A petition for modification may be filed at the same time as a request for registration, or at another time. The petition must specify the grounds for modification.

Chapter 7. Support Proceeding Under Convention

Sec. 1. In this article:

(1) "Application" means a request under the Convention by an obligee, or obligor, or on behalf of a child, made through a central authority for assistance from another central authority.

(2) "Central authority" means the entity designated by the United States or a foreign country described in IC 31-18.5-1-2(5)(D) to perform the functions specified in the Convention.

(3) "Convention support order" means a support order of a tribunal of a foreign country described in IC 31-18.5-1-2(5)(D).

(4) "Direct request" means a petition filed by an individual in an Indiana tribunal in a proceeding involving:

(A) an obligee;

(B) an obligor; or

(C) a child residing outside the United States.

(5) "Foreign central authority" means the entity designated by a foreign country described in IC 31-18.5-1-2(5)(D) to perform the functions specified in the Convention.

(6) "Foreign support agreement":

(A) means an agreement for support in a record that:

(i) is enforceable as a support order in the country of origin;

(ii) has been formally drawn up or registered as an authentic instrument by a foreign tribunal or authenticated by, or concluded, registered, or filed with a foreign tribunal; and

(iii) may be reviewed and modified by a foreign tribunal; and

(B) includes a maintenance arrangement or authentic instrument under the Convention.

(7) "United States central authority" means the Secretary of the United States Department of Health and Human Services.



1 **Sec. 2. This chapter applies only to a support proceeding under**
 2 **the Convention. In such a proceeding, if a provision of this chapter**
 3 **is inconsistent with IC 31-18.5-1 through IC 31-18.5-6, this chapter**
 4 **controls.**

5 **Sec. 3. The child support bureau of Indiana is recognized as the**
 6 **agency designated by the United States central authority to**
 7 **perform specific functions under the Convention.**

8 **Sec. 4. (a) In a support proceeding under this chapter, the**
 9 **support enforcement agency of Indiana shall:**

- 10 (1) transmit and receive applications; and
 11 (2) initiate or facilitate the institution of a proceeding
 12 regarding an application in an Indiana tribunal.

13 **(b) The following support proceedings are available to an**
 14 **obligee under the Convention:**

- 15 (1) Recognition or recognition and enforcement of a foreign
 16 support order.
 17 (2) Enforcement of a support order issued or recognized in
 18 Indiana.
 19 (3) Establishment of a support order if there is no existing
 20 order, including, if necessary, determination of parentage of
 21 a child.
 22 (4) Establishment of a support order if recognition of a
 23 foreign support order is refused under section 8(b)(2), 8(b)(4),
 24 or (8)(b)(9) of this chapter.
 25 (5) Modification of a support order of an Indiana tribunal.
 26 (6) Modification of a support order of a tribunal of:
 27 (A) another state; or
 28 (B) a foreign country.

29 **(c) The following support proceedings are available under the**
 30 **Convention to an obligor against which there is an existing support**
 31 **order:**

- 32 (1) Recognition of an order suspending or limiting
 33 enforcement of an existing support order of an Indiana
 34 tribunal.
 35 (2) Modification of a support order of an Indiana tribunal.
 36 (3) Modification of a support order of:
 37 (A) a tribunal of another state; or
 38 (B) a foreign country.

39 **(d) An Indiana tribunal may not require security, bond, or**
 40 **deposit, however described, to guarantee the payment of costs and**
 41 **expenses in proceedings under the Convention.**

42 **Sec. 5. (a) A petitioner may file a direct request seeking:**



(1) establishment or modification of a support order; or

(2) determination of parentage of a child.

In the proceeding, Indiana law applies.

(b) A petitioner may file a direct request seeking recognition and enforcement of a support order or support agreement. In the proceeding, sections 6 through 13 of this chapter apply.

(c) In a direct request for recognition and enforcement of a Convention support order or foreign support agreement:

(1) a security, bond, or deposit is not required to guarantee the payment of costs and expenses; and

(2) an obligee or obligor that in the issuing country has benefited from free legal assistance is entitled to benefit, at least to the same extent, from any free legal assistance provided for by Indiana law under the same circumstances.

(d) A petitioner filing a direct request is not entitled to assistance from the support enforcement agency.

(e) This chapter does not prevent the application of Indiana laws that provide simplified, more expeditious rules regarding a direct request for recognition and enforcement of a foreign support order or foreign support agreement.

Sec. 6. (a) Except as otherwise provided in this chapter, a party who is an individual or a support enforcement agency seeking recognition of a Convention support order shall register the order in Indiana as provided in IC 31-18.5-6.

(b) Notwithstanding IC 31-18.5-3-11 and IC 31-18.5-6-2(a), a request for registration of a Convention support order must be accompanied by:

(1) a complete text of the support order or an abstract or extract of the support order drawn up by the issuing foreign tribunal, which may be in the form recommended by the Hague Conference on Private International Law;

(2) a record stating that the support order is enforceable in the issuing country;

(3) if the respondent did not appear and was not represented in the proceedings in the issuing country, a record attesting, as appropriate, either that the respondent had proper notice of the proceedings and an opportunity to be heard or that the respondent had proper notice of the support order and an opportunity to be heard in a challenge or appeal on fact or law before a tribunal;

(4) a record showing the amount of arrears, if any, and the date the amount was calculated;



(5) a record showing a requirement for automatic adjustment of the amount of support, if any, and the information necessary to make the appropriate calculations; and

(6) if necessary, a record showing the extent to which the applicant received free legal assistance in the issuing country.

(c) A request for registration of a Convention support order may seek recognition and partial enforcement of the order.

(d) An Indiana tribunal may vacate the registration of a Convention support order without the filing of a contest under section 7 of this chapter only if, acting on its own motion, the tribunal finds that recognition and enforcement of the order would be manifestly incompatible with public policy.

(e) The tribunal shall promptly notify the parties of the registration or the order vacating the registration of a Convention support order.

Sec. 7. (a) Except as otherwise provided in this section, IC 31-18.5-6-5 through IC 31-18.5-6-8 apply to a contest of a registered Convention support order.

(b) A party contesting a registered Convention support order shall file a contest not later than thirty (30) days after notice of the registration, but if the contesting party does not reside in the United States, the contest must be filed not later than sixty (60) days after notice of the registration.

(c) If the nonregistering party fails to contest the registered Convention support order by the time specified in subsection (b), the order is enforceable.

(d) A contest of a registered Convention support order may be based only on grounds set forth in section 8 of this chapter. The contesting party bears the burden of proof.

(e) In a contest of a registered Convention support order, an Indiana tribunal:

(1) is bound by the findings of fact on which the foreign tribunal based its jurisdiction; and

(2) may not review the merits of the order.

(f) An Indiana tribunal deciding a contest of a registered Convention support order shall promptly notify the parties of its decision.

(g) A challenge or appeal, if any, does not stay the enforcement of a Convention support order unless there are exceptional circumstances.

Sec. 8. (a) Except as otherwise provided in subsection (b), an Indiana tribunal shall recognize and enforce a registered



1 **Convention support order.**

2 **(b) The following grounds are the only grounds on which an**
 3 **Indiana tribunal may refuse recognition and enforcement of a**
 4 **registered Convention support order:**

5 **(1) Recognition and enforcement of the order is manifestly**
 6 **incompatible with public policy, including the failure of the**
 7 **issuing tribunal to observe minimum standards of due**
 8 **process, which include notice and an opportunity to be heard.**

9 **(2) The issuing tribunal lacked personal jurisdiction**
 10 **consistent with IC 31-18.5-2-1.**

11 **(3) The order is not enforceable in the issuing country.**

12 **(4) The order was obtained by fraud in connection with a**
 13 **matter of procedure.**

14 **(5) A record transmitted in accordance with section 6 of this**
 15 **chapter lacks authenticity or integrity.**

16 **(6) A proceeding between the same parties and having the**
 17 **same purpose is pending before an Indiana tribunal and that**
 18 **proceeding was the first to be filed.**

19 **(7) The order is incompatible with a more recent support**
 20 **order involving the same parties and having the same purpose**
 21 **if the more recent support order is entitled to recognition and**
 22 **enforcement under this article in Indiana.**

23 **(8) Payment, to the extent alleged arrears have been paid in**
 24 **whole or in part.**

25 **(9) In a case in which the respondent neither appeared nor**
 26 **was represented in the proceeding in the issuing foreign**
 27 **country:**

28 **(A) if the law of that country provides for prior notice of**
 29 **proceedings, the respondent did not have proper notice of**
 30 **the proceedings and an opportunity to be heard; or**

31 **(B) if the law of that country does not provide for prior**
 32 **notice of the proceedings, the respondent did not have**
 33 **proper notice of the order and an opportunity to be heard**
 34 **in a challenge or appeal on fact or law before a tribunal.**

35 **(10) The order was made in violation of section 11 of this**
 36 **chapter.**

37 **(c) If an Indiana tribunal does not recognize a Convention**
 38 **support order under subsection (b)(2), (b)(4), or (b)(9):**

39 **(1) the tribunal may not dismiss the proceeding without**
 40 **allowing a reasonable time for a party to request the**
 41 **establishment of a new Convention support order; and**

42 **(2) the support enforcement agency shall take all appropriate**



measures to request a child support order for the obligee if the application for recognition and enforcement was received under section 4 of this chapter.

Sec. 9. If an Indiana tribunal does not recognize and enforce a Convention support order in its entirety, it shall enforce any severable part of the order. An application or direct request may seek recognition and partial enforcement of a Convention support order.

Sec. 10. (a) Except as otherwise provided in subsections (c) and (d), an Indiana tribunal shall recognize and enforce a foreign support agreement registered in Indiana.

(b) An application or direct request for recognition and enforcement of a foreign support agreement must be accompanied by:

- (1) a complete text of the foreign support agreement; and
- (2) a record stating that the foreign support agreement is enforceable as an order of support in the issuing country.

(c) An Indiana tribunal may vacate the registration of a foreign support agreement only if, acting on its own motion, the tribunal finds that recognition and enforcement would be manifestly incompatible with public policy.

(d) In a contest of a foreign support agreement, an Indiana tribunal may refuse recognition and enforcement of the agreement if it finds:

- (1) recognition and enforcement of the agreement is manifestly incompatible with public policy;
- (2) the agreement was obtained by fraud or falsification;
- (3) the agreement is incompatible with a support order involving the same parties and having the same purpose in Indiana, another state, or a foreign country if the support order is entitled to recognition and enforcement under this article in Indiana; or
- (4) the record submitted under subsection (b) lacks authenticity or integrity.

(e) A proceeding for recognition and enforcement of a foreign support agreement must be suspended during the pendency of a challenge to or appeal of the agreement before a tribunal of another state or a foreign country.

Sec. 11. (a) An Indiana tribunal may not modify a Convention child support order if the obligee remains a resident of the foreign country where the support order was issued unless:

- (1) the obligee submits to the jurisdiction of an Indiana



tribunal, either expressly or by defending on the merits of the case without objecting to the jurisdiction at the first available opportunity; or

(2) the foreign tribunal lacks or refuses to exercise jurisdiction to modify its support order or issue a new support order.

(b) If an Indiana tribunal does not modify a Convention child support order because the order is not recognized in Indiana, section 8(c) of this chapter applies.

Sec. 12. Personal information gathered or transmitted under this article may be used only for the purposes for which it was gathered or transmitted.

Sec. 13. A record filed with an Indiana tribunal under this article must be in the original language and, if not in English, must be accompanied by an English translation.

Chapter 8. Interstate Rendition

Sec. 1. (a) For purposes of this chapter, "governor" includes:

- (1) an individual performing the functions of governor; or
- (2) the executive authority of a state covered by this article.

(b) The governor of Indiana may:

- (1) demand that the governor of another state surrender an individual found in the other state who is charged criminally in Indiana with having failed to provide for the support of an obligee; or
- (2) on the demand of the governor of another state, surrender an individual found in Indiana who is charged criminally in the other state with having failed to provide for the support of an obligee.

(c) A provision for extradition of individuals not inconsistent with this article applies to the demand even if the individual whose surrender is demanded was not in the demanding state when the crime was allegedly committed and has not fled therefrom.

Sec. 2. (a) Before making a demand that the governor of another state surrender an individual charged criminally in Indiana with having failed to provide for the support of an obligee, the governor of Indiana may require a prosecutor of Indiana to demonstrate that at least sixty (60) days previously the obligee had initiated proceedings for support under this article or that the proceeding would be of no avail.

(b) If, under this article or a law substantially similar to this article, the governor of another state makes a demand that the governor of Indiana surrender an individual charged criminally in



1 that state with having failed to provide for the support of a child or
 2 other individual to whom a duty of support is owed, the governor
 3 may require a prosecuting attorney to investigate the demand and
 4 report whether a proceeding for support has been initiated or
 5 would be effective. If it appears that a proceeding would be
 6 effective but has not been initiated, the governor may delay
 7 honoring the demand for a reasonable time to permit the initiation
 8 of a proceeding.

9 (c) If a proceeding for support has been initiated and the
 10 individual whose rendition is demanded prevails, the governor may
 11 decline to honor the demand. If the petitioner prevails and the
 12 individual whose rendition is demanded is subject to a support
 13 order, the governor may decline to honor the demand if the
 14 individual is complying with the support order.

15 Chapter 9. Miscellaneous Provisions

16 Sec. 1. In applying and construing this uniform act,
 17 consideration must be given to the need to promote uniformity of
 18 the law with respect to its subject matter among states that enact
 19 it.

20 SECTION 54. IC 31-19-2-6, AS AMENDED BY P.L.131-2009,
 21 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2015]: Sec. 6. (a) A petition for adoption must specify the
 23 following:

24 (1) The:

25 (A) name if known;

26 (B) sex, race, and age if known, or if unknown, the
 27 approximate age; and

28 (C) place of birth;

29 of the child sought to be adopted.

30 (2) The new name to be given the child if a change of name is
 31 desired.

32 (3) Whether or not the child possesses real or personal property
 33 and, if so, the value and full description of the property.

34 (4) The:

35 (A) name, age, and place of residence of a petitioner for
 36 adoption; and

37 (B) if married, place and date of their marriage.

38 (5) The name and place of residence, if known to the petitioner
 39 for adoption, of:

40 (A) the parent or parents of the child;

41 (B) if the child is an orphan:

42 (i) the guardian; or



- 1 (ii) the nearest kin of the child if the child does not have a
- 2 guardian;
- 3 (C) the court or agency of which the child is a ward if the child
- 4 is a ward; or
- 5 (D) the agency sponsoring the adoption if there is a sponsor.
- 6 (6) The time, if any, during which the child lived in the home of
- 7 the petitioner for adoption.
- 8 (7) Whether the petitioner for adoption has been convicted of:
- 9 (A) a felony; or
- 10 (B) a misdemeanor relating to the health and safety of
- 11 children;
- 12 and, if so, the date and description of the conviction.
- 13 **(8) Whether or not a current, ongoing child support order or**
- 14 **medical support order is in effect for the child sought to be**
- 15 **adopted.**
- 16 ~~(8)~~ (9) Additional information consistent with the purpose and
- 17 provisions of this article that is considered relevant to the
- 18 proceedings.
- 19 **(b) If a current, ongoing child support order or medical support**
- 20 **order is in effect for the child as described in subsection (a)(8), all**
- 21 **of the following must be filed with the petition described under**
- 22 **subsection (a):**
- 23 **(1) A copy of the child support order or medical support**
- 24 **order.**
- 25 **(2) A statement as to whether the child support order or**
- 26 **medical support order is enforced by the prosecuting attorney**
- 27 **through the Title IV-D child support program under**
- 28 **IC 31-25-4.**
- 29 SECTION 55. IC 31-19-11-7 IS ADDED TO THE INDIANA
- 30 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 31 [EFFECTIVE JULY 1, 2015]: **Sec. 7. If a court determines that an**
- 32 **adopted child is the subject of an order to pay child support or to**
- 33 **provide medical support being enforced by the state under**
- 34 **IC 31-25-4-13.1, the court shall direct the clerk of the court to**
- 35 **forward a certified copy of the adoption decree to all the following:**
- 36 **(1) The court with jurisdiction over the child support order.**
- 37 **(2) The clerk of the court in which the child support order**
- 38 **resides.**
- 39 **(3) The prosecuting attorney enforcing the child support**
- 40 **order, if the order is enforced through the Title IV-D child**
- 41 **support program.**
- 42 SECTION 56. IC 31-25-4-13.1, AS AMENDED BY P.L.53-2014,



SECTION 143, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2015]: Sec. 13.1. (a) This section applies after
December 31, 2006.

(b) The bureau shall make the agreements necessary for the
effective administration of the plan with local governmental officials
within Indiana. The bureau shall contract with:

(1) a prosecuting attorney;

(2) a private attorney or private entity if the bureau determines
that a reasonable contract cannot be entered into with a
prosecuting attorney and the determination is approved by at least
two-thirds (2/3) of the interim study committee on public health,
behavioral health, and human services established by
IC 2-5-1.3-4; or

(3) a collection agency licensed under IC 25-11 to collect
arrearages on child support orders under which collections have
not been made on arrearages for at least two (2) years;
in each judicial circuit to undertake activities required to be performed
under Title IV-D of the federal Social Security Act (42 U.S.C. 651),
including establishment of paternity, establishment, enforcement, and
modification of child support orders, activities under the Uniform
Reciprocal Enforcement of Support Act (IC 31-2-1, before its repeal)
or the Uniform Interstate Family Support Act (~~IC 31-18~~; **IC 31-18.5**,
or IC 31-1.5 before its repeal), and if the contract is with a prosecuting
attorney, prosecutions of welfare fraud.

(c) The hiring of a private attorney or private entity by an agreement
or a contract made under this section is not subject to the approval of
the attorney general under IC 4-6-5-3. An agreement or a contract made
under this section is not subject to IC 4-13-2-14.3 or IC 5-22.

(d) Subject to section 14.1 of this chapter, a prosecuting attorney
with which the bureau contracts under subsection (b):

(1) may contract with a collection agency licensed under IC 25-11
to provide child support enforcement services; and

(2) shall contract with a collection agency licensed under
IC 25-11 to collect arrearages on child support orders under
which collections have not been made on arrearages for at least
two (2) years.

(e) A prosecuting attorney or private attorney entering into an
agreement or a contract with the bureau under this section enters into
an attorney-client relationship with the state to represent the interests
of the state in the effective administration of the plan and not the
interests of any other person. An attorney-client relationship is not
created with any other person by reason of an agreement or contract



1 with the bureau.

2 (f) At the time that an application for child support services is made,
3 the applicant must be informed that:

4 (1) an attorney who provides services for the child support bureau
5 is the attorney for the state and is not providing legal
6 representation to the applicant; and

7 (2) communications made by the applicant to the attorney and the
8 advice given by the attorney to the applicant are not confidential
9 communications protected by the privilege provided under
10 IC 34-46-3-1.

11 (g) A prosecuting attorney or private attorney who contracts or
12 agrees under this section to undertake activities required to be
13 performed under Title IV-D is not required to mediate, resolve, or
14 litigate a dispute between the parties relating to:

15 (1) the amount of parenting time or parenting time credit; or

16 (2) the assignment of the right to claim a child as a dependent for
17 federal and state tax purposes.

18 (h) An agreement made under subsection (b) must contain
19 requirements stipulating service levels a prosecuting attorney or private
20 entity is expected to meet. The bureau shall disburse incentive money
21 based on whether a prosecuting attorney or private entity meets service
22 levels stipulated in an agreement made under subsection (b).

23 SECTION 57. IC 31-25-4-17, AS AMENDED BY P.L.123-2014,
24 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2015]: Sec. 17. (a) The bureau shall do the following:

26 (1) Collect support payments when the payments have been
27 assigned to the state by the application for assistance under Title
28 IV-A.

29 (2) Assist in obtaining a support order, including an order for
30 health insurance coverage under:

31 (A) IC 27-8-23; or

32 (B) IC 31-16-6-4;

33 when there is no existing order and assistance is sought.

34 (3) Assist ~~mothers of children born out of wedlock~~ in establishing
35 paternity and obtaining a support order, including an order for
36 health insurance coverage under IC 27-8-23, ~~when the mother has~~
37 ~~applied for assistance.~~ **for children born out of wedlock.**

38 (4) Implement immediate income withholding in any Title IV-D
39 case, in accordance with 42 U.S.C. 666(a) and (b), without an
40 order issued by a court or an administrative agency.

41 (5) Enforce intrastate and interstate support orders using high
42 volume automated enforcement features.



(6) Use a simplified procedure for the review and adjustment of support orders as set forth in 42 U.S.C. 666(a)(10).

(7) In any Title IV-D case, petition:

(A) a court to:

- (i) establish paternity for a child born out of wedlock; and
- (ii) establish a support order, including an order for health insurance coverage under IC 27-8-23 or IC 31-16-6-4; and

(B) a court to establish or modify a support order, including an order for health insurance coverage under IC 27-8-23, IC 31-14-11-3 (before its repeal), or IC 31-16-6-4, if:

- (i) there is no existing support order; or
- (ii) the existing order does not include a provision for private health insurance.

(b) Whenever the bureau collects support payments on behalf of an individual who is no longer a member of a household that receives Title IV-A cash payments, the collected support payments (except collections made through a federal tax refund offset) shall be promptly distributed in the following order:

- (1) Payment to the recipient of the court ordered support obligation for the month that the support payment is received.
- (2) Payment to the recipient of the support payment arrearages that have accrued during any period when the recipient was not a member of a household receiving Title IV-A assistance.
- (3) Payment to the state in an amount not to exceed the lesser of:
 - (A) the total amount of past public assistance paid to the recipient's family; or
 - (B) the amount assigned to the state by the recipient under IC 12-14-7-1.
- (4) Payment of support payment arrearages owed to the recipient.
- (5) Payment of any other support payments payable to the recipient.

(c) Whenever the bureau receives a payment through a federal tax refund offset on behalf of an individual who has received or is receiving Title IV-A assistance, the child support payment shall be distributed as follows:

- (1) To the state, an amount not to exceed the lesser of:
 - (A) the total amount of past public assistance paid to the individual's family; or
 - (B) the amount assigned to the state by the individual under IC 12-14-7-1.
- (2) To the individual, any amounts remaining after the distribution under subdivision (1).



(d) Except as provided in section 19.5 of this chapter, whenever the bureau collects a child support payment from any source on behalf of an individual who has never received Title IV-A assistance, the bureau shall forward all money collected to the individual.

(e) Whenever the bureau receives a child support payment on behalf of an individual who currently receives a Title IV-A cash payment or an individual whose cash payment was recouped, the child support payment shall be distributed as follows:

(1) To the state, an amount not to exceed the lesser of:

(A) the total amount of past public assistance paid to the individual's family; or

(B) the amount assigned to the state by the individual under IC 12-14-7-1.

(2) To the individual, any amounts remaining after the distribution under subdivision (1).

(f) Unless otherwise required by federal law, not more than seventy-five (75) days after a written request by a recipient, the bureau shall provide an accounting report to the recipient that identifies the bureau's claim to a child support payment or arrearage.

(g) The bureau, the department of child services, and the department of state revenue may not charge a custodial parent a fee to seek or receive a payment through a federal tax refund offset as described in subsection (c).

(h) When the payment of support has been assigned to the state by the application of assistance under Title IV-A or Title IV-E, the Title IV-D agency shall:

(1) first provide notice to the obligee and the obligor that the payment of support has been assigned to the state; and

(2) direct the clerk of court or the state central collection unit to forward the child support payment directly to the Title IV-D agency without further notice of the court.

(i) A payment directed to the Title IV-D agency under subsection (h) shall be disbursed in accordance with federal regulations governing the Title IV-D program.

SECTION 58. IC 31-28-4-2, AS ADDED BY P.L.145-2006, SECTION 274, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. Financial responsibility for a child placed under the provisions of the interstate compact on the placement of children shall be determined in accordance with Article V. However, for the partial or complete default of performance, the provisions of IC 31-2-1 (before its repeal), IC 31-1.5 (before its repeal), ~~IC 31-18~~, **IC 31-18.5**, IC 12-14-22-9, and IC 12-14-22-10 also may be



invoked. In any appropriate case, financial support or contribution may be obtained by an appropriate agency in Indiana under IC 31-40 to aid in the discharge of the financial obligations of a sending agency that has placed a child in another state under the compact.

SECTION 59. IC 31-30-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. A circuit court has concurrent original jurisdiction with the juvenile court, including the probate court described in IC 33-31-1-9(b), for the purpose of establishing the paternity of a child in a proceeding under:

- (1) ~~IC 31-18~~; **IC 31-18.5**;
- (2) IC 31-1.5 (before its repeal); or
- (3) IC 31-2-1 (before its repeal);

to enforce a duty of support.

SECTION 60. IC 31-40-1-5, AS AMENDED BY P.L.146-2008, SECTION 669, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) This section applies whenever the court approves removal of a child from the home of a child's parent or guardian and the department places the child in a child caring institution, a foster family home, a group home, or the home of a relative of the child that is not a foster family home.

(b) If an existing support order is in effect, the juvenile court shall order the support payments to be assigned to the department for the duration of the placement out of the home of the child's parent or guardian. The juvenile court shall notify the court that:

- (1) entered the existing support order; or
- (2) had jurisdiction, immediately before the placement, to modify or enforce the existing support order;

of the assignment and assumption of jurisdiction by the juvenile court under this section.

(c) If an existing support order is not in effect, the court shall do the following:

- (1) Include in the order for out-of-home placement of the child an assignment to the department or confirmation of an assignment that occurs or is required under applicable federal law, of any rights to support, including support for the cost of any medical care payable by the state under IC 12-15, from any parent or guardian who has a legal obligation to support the child.
- (2) Order support paid to the department by each of the child's parents or the guardians of the child's estate to be based on child support guidelines adopted by the Indiana supreme court and for the duration of the placement of the child out of the home of the child's parent or guardian, unless:



- 1 (A) the court finds that entry of an order based on the child
 2 support guidelines would be unjust or inappropriate
 3 considering the best interests of the child and other necessary
 4 obligations of the child's family; or
 5 (B) the department does not make foster care maintenance
 6 payments to the custodian of the child. For purposes of this
 7 clause, "foster care maintenance payments" means any
 8 payments for the cost of (in whole or in part) providing food,
 9 clothing, shelter, daily supervision, school supplies, a child's
 10 personal incidentals, liability insurance with respect to a child,
 11 and reasonable amounts for travel to the child's home for
 12 visitation. In the case of a child caring institution, the term also
 13 includes the reasonable costs of administration and operation
 14 of the institution as are necessary to provide the items
 15 described in this clause.
- 16 (3) If the court:
 17 (A) does not enter a support order; or
 18 (B) enters an order that is not based on the child support
 19 guidelines;
 20 the court shall make findings as required by 45 CFR 302.56(g).
- 21 (d) Payments in accordance with a support order assigned under
 22 subsection (b) or entered under subsection (c) (or IC 31-6-4-18(f)
 23 before its repeal) shall be paid through the:
 24 (1) clerk of the circuit court as trustee for remittance to the
 25 department; **or**
 26 **(2) state central collection unit established in IC 31-25-3-1.**
- 27 (e) The Title IV-D agency shall establish, modify, or enforce a
 28 support order assigned or entered by a court under this section in
 29 accordance with IC 31-25-3, IC 31-25-4, and 42 U.S.C. 654. The
 30 department shall, if requested, assist the Title IV-D agency in
 31 performing its duties under this subsection.
- 32 (f) If the juvenile court terminates placement of a child out of the
 33 home of the child's parent or guardian, the court shall:
 34 (1) notify the court that:
 35 (A) entered a support order assigned to the department under
 36 subsection (b); or
 37 (B) had jurisdiction, immediately before the placement, to
 38 modify or enforce the existing support order;
 39 of the termination of jurisdiction of the juvenile court with respect
 40 to the support order;
 41 (2) terminate a support order entered under subsection (c) that
 42 requires payment of support by a custodial parent or guardian of



the child, with respect to support obligations that accrue after termination of the placement; or

(3) continue in effect, subject to modification or enforcement by a court having jurisdiction over the obligor, a support order entered under subsection (c) that requires payment of support by a noncustodial parent or guardian of the estate of the child.

(g) The court may at or after a hearing described in section 3 of this chapter order the child's parent or the guardian of the child's estate to reimburse the department for all or any portion of the expenses for services provided to or for the benefit of the child that are paid by the department during the placement of the child out of the home of the parent or guardian, in addition to amounts reimbursed through payments in accordance with a support order assigned or entered as provided in this section, subject to applicable federal law.

SECTION 61. IC 31-40-1-7, AS AMENDED BY P.L.146-2008, SECTION 671, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. Amounts received as payment of support or reimbursement of the cost of services paid as provided in this chapter shall be distributed in the following manner:

(1) If any part of the cost of services was paid from federal funds under Title IV Part E of the Social Security Act (42 U.S.C. 671 et seq.), the amounts received shall first be applied as provided in 42 U.S.C. 657 and 45 CFR 302.52.

(2) **As provided in 45 CFR 302.52(b)(2),** all amounts remaining after the distributions required by subdivision (1) shall be ~~deposited in the state general fund:~~ **used in the best interests of the child for whom the support or reimbursement was paid, including:**

(A) setting aside amounts for the child's future needs; or

(B) making all or part of the amount available to the person responsible for meeting the child's daily needs to be used for the child's benefit.

SECTION 62. IC 34-30-2-133.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 133.3. IC 31-18.5-3-14 (Concerning civil actions against persons present in Indiana to participate in a proceeding under the Uniform Interstate Family Support Act).**

SECTION 63. IC 34-30-2-133.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 133.4. ~~IC 31-18-3-14~~ **IC 31-18.5-5-4 (Concerning civil actions against persons present in Indiana to participate in a proceeding under the Uniform Interstate**



1 ~~Family Support Act): income payors that comply with income~~
2 ~~withholding orders).~~

3 SECTION 64. IC 34-46-2-28 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 28. ~~IC 31-18-3-16(h)~~
5 **IC 31-18.5-3-16(h)** (Concerning disclosure of spousal communications
6 in proceedings under Uniform Interstate Family Support Act).



COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 324, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 4, line 27, after "Sec. 56." insert "(a)".

Page 4, line 28, delete "IC 31-16-15," and insert "IC 31-16-15 **and**".

Page 4, line 28, strike "and the Uniform Interstate".

Page 4, line 29, strike "Family Support Act under".

Page 4, line 30, delete "IC 31-18.5,".

Page 4, between lines 31 and 32, begin a new paragraph and insert:

"(b) "Income", for purposes of the Uniform Interstate Family Support Act under IC 31-18.5, means earnings or other periodic entitlements to money from any source, and any other property subject to withholding for support under Indiana law (as defined in IC 31-18.5-1-2)."

Page 54, line 20, delete "42" and insert "**45**".

and when so amended that said bill do pass.

(Reference is to SB 324 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 8, Nays 1.

